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**Official Report
of Debates
(Hansard)**

Wednesday 11 September 2013

**Journal
des débats
(Hansard)**

Mercredi 11 septembre 2013

**Standing Committee on
the Legislative Assembly**

Non-profit Housing
Co-operatives Statute Law
Amendment Act, 2013

**Comité permanent de
l'Assemblée législative**

Loi de 2013 modifiant des lois
en ce qui concerne
les coopératives de logement
sans but lucratif

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLYCOMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE

Wednesday 11 September 2013

Mercredi 11 septembre 2013

The committee met at 1203 in committee room 1.

COMMITTEE BUSINESS

The Chair (Mr. Garfield Dunlop): Good afternoon, everyone. We're here today to do the second reading on Bill 14, An Act to amend the Co-operative Corporations Act and the Residential Tenancies Act, 2006 in respect of non-profit housing co-operatives and to make consequential amendments to other Acts.

We have a full agenda here today, and we have some housekeeping items as well. Mr. Mantha.

Mr. Michael Mantha: I move a motion to have Cindy Forster on the subcommittee.

The Chair (Mr. Garfield Dunlop): Replacing?

Mr. Michael Mantha: Replacing Mr. Gilles Bisson.

The Chair (Mr. Garfield Dunlop): We have a motion moved by Mr. Mantha that Mr. Bisson is replaced by Ms. Forster on this particular committee, on the subcommittee. Agreed to that? Okay, that's carried. Thank you.

Mr. Balkissoon.

Mr. Bas Balkissoon: Mr. Chair, I have a motion to move.

I move that the Standing Committee on the Legislative Assembly conduct clause-by-clause consideration of Bill 14 during its regularly scheduled meeting time on Wednesday, September 18, 2013; and

That an administrative deadline for amendments to Bill 14 be set for Friday, September 13 at 12 p.m.; and

That, should the above date conflict with this committee's consideration of Bill 95—this is the financial officer—clause-by-clause review of Bill 14 will be conducted on the next regularly scheduled meeting of the committee on which no conflict with Bill 95 exists.

The Chair (Mr. Garfield Dunlop): Do we have any discussion? Mr. Clark.

Mr. Steve Clark: Certainly from our perspective, we're not going to be belabouring a lot of questions today to the witnesses. We'd be quite prepared to do the clause-by-clause today if time permits. With all respect to the motion, I would be more than happy to just deal with it on September 11 rather than the 18th.

Mr. Bas Balkissoon: Mr. Chair, maybe the Clerk can explain. What's the time frame for this committee meeting under normal rules? I thought we end at—

The Clerk of the Committee (Mr. Trevor Day): This committee must end at 3 o'clock.

Mr. Bas Balkissoon: Okay, so we have an hour.

Mr. Steve Clark: Not to belabour it, Chair, but I'm certainly not seeing any amendments on this. This was a bill that we've debated many times in the Legislature. Certainly I have no objections to—let's do clause-by-clause today, if time permits.

Mr. Bas Balkissoon: We're in agreement.

The Chair (Mr. Garfield Dunlop): You're in agreement?

Yes, Mr. Clark.

Mr. Steve Clark: Not on this motion, but I do have another issue I want to talk about that was adjourned from the last meeting.

The Chair (Mr. Garfield Dunlop): Okay. So on this particular—oh, Ms. Forster.

Ms. Cindy Forster: Thank you. We may possibly have an amendment, so I wouldn't be prepared to do clause-by-clause today.

The Chair (Mr. Garfield Dunlop): You would be?

Ms. Cindy Forster: I would not.

The Chair (Mr. Garfield Dunlop): You would not be. Okay.

Mr. Rob Leone: It's a majority vote, isn't it?

The Chair (Mr. Garfield Dunlop): It is a straight vote today, Mr. Leone.

Mr. Rob Leone: What are we voting on? Are you withdrawing that motion?

The Chair (Mr. Garfield Dunlop): We're voting on whether to do clause-by-clause today.

The Clerk of the Committee (Mr. Trevor Day): No, no, the motion on the floor.

The Chair (Mr. Garfield Dunlop): Oh, the motion on the floor. Sorry.

Mr. Rob Leone: So we're withdrawing that?

Mr. Bas Balkissoon: Is he amending my motion? How are we taking—

Mr. Steve Clark: I would like the motion amended: that if time permits today, we deal with clause-by-clause on September 11.

Mr. Bas Balkissoon: Okay, so we should take the amendment first.

The Clerk of the Committee (Mr. Trevor Day): So what we have is your motion, at the end of which, if time permits, we begin today. Is that agreeable to everybody? Ms. Forster?

Ms. Cindy Forster: Well, it's not agreeable to me, because we may, in fact, have an amendment after we hear from the deputants. How can you say you're going to do clause-by-clause and vote on this issue when you haven't even heard from the people who have been waiting to come and make their presentations for months? Based on that, I can't support this motion. And I don't think it's normally the way things operate around here, either, I'm told.

The Chair (Mr. Garfield Dunlop): Mr. Leone, did you have a question?

Mr. Rob Leone: No, I didn't have a question, but we're voting on an amendment, so—

The Chair (Mr. Garfield Dunlop): So we're debating the amendment. Do we have—

Mr. Rob Leone: I like the amendment. That's what I'll add.

The Chair (Mr. Garfield Dunlop): So we've got some support for the amendment, if we have time today—if time permits.

Mr. Bas Balkissoon: Mr. Chair, I just want to clarify. My colleague—is she saying that she has a clause-by-clause amendment she would like to present?

The Chair (Mr. Garfield Dunlop): I'm not sure if she does, but she may—

Ms. Cindy Forster: I may well have, after I hear from the deputants.

Mr. Bas Balkissoon: Can we play with the words, that we break for 20 minutes and the clause-by-clause amendments be submitted?

The Chair (Mr. Garfield Dunlop): Actually, Mr. Balkissoon, we have a full schedule here today.

Mr. Bas Balkissoon: Okay. Then my motion stands.

The Chair (Mr. Garfield Dunlop): We're talking about the amendment right now. Do we have support for the amendment, which would mean we'd do it today?

Mr. Bas Balkissoon: Well, we'll respect our friends in the NDP, that they want to present clause-by-clause amendments.

Mr. Steve Clark: Call the question on the amendment.

The Chair (Mr. Garfield Dunlop): Okay. So we're voting now on the amendment. In favour of the amendment?

Mr. Steve Clark: Recorded vote.

The Chair (Mr. Garfield Dunlop): Recorded vote? Okay.

Ms. Cindy Forster: Can you read the amendment?

The Clerk of the Committee (Mr. Trevor Day): Okay. The original motion was:

“I move that the Standing Committee on the Legislative Assembly conduct clause-by-clause consideration of Bill 14 during its regularly scheduled meeting time on Wednesday, September 18, 2013; and

“That an administrative deadline for amendments to Bill 14 be set for Friday, September 13 at 12 p.m.; and

“That should the above date conflict with this committee's consideration of Bill 95, clause-by-clause review of Bill 14 will be conducted on the next regularly scheduled

meeting of the committee on which no conflict with Bill 95 exists”; and

“If time permits, clause-by-clause consideration would commence today.”

Ms. Cindy Forster: That's the amendment?

The Clerk of the Committee (Mr. Trevor Day): That's the amendment.

The Chair (Mr. Garfield Dunlop): Yes.

The Clerk of the Committee (Mr. Trevor Day): A recorded vote on the amendment.

Ayes

Clark, Leone.

Nays

Balkissoon, Crack, Forster, Fraser, Mantha, Mauro.

The Chair (Mr. Garfield Dunlop): The amendment doesn't carry.

Now we'll go straight to the motion. Any more debate on the motion, then?

Ms. Cindy Forster: No.

The Chair (Mr. Garfield Dunlop): Shall it carry? Carried. All right.

Mr. Clark.

Mr. Steve Clark: Mr. Chair, at our last meeting in June, I think that if you check Hansard, I was attempting, with the committee's indulgence, to present a motion regarding Bill 70, a private member's bill that is before this committee. I just want to let you know that, prior to adjournment today, I'd like to have the opportunity to table a motion—and I would circulate it to them—that, after consideration is done on Bill 14, we call Bill 70. I can read the motion, or we can deal with it—we'll deal with it later.

The Chair (Mr. Garfield Dunlop): We'll deal with it later, provided that we have time.

1210

Mr. Steve Clark: I'd just like the committee to afford me an opportunity to have a vote on that, given the fact that we moved adjournment before I had a chance to table it in the last meeting. I think out of respect, we should at least have that opportunity.

The Chair (Mr. Garfield Dunlop): Okay. Thank you, Mr. Clark.

NON-PROFIT HOUSING
CO-OPERATIVES STATUTE LAW
AMENDMENT ACT, 2013
LOI DE 2013 MODIFIANT DES LOIS
EN CE QUI CONCERNE
LES COOPÉRATIVES DE LOGEMENT
SANS BUT LUCRATIF

Consideration of the following bill:

Bill 14, An Act to amend the Co-operative Corporations Act and the Residential Tenancies Act, 2006 in respect of non-profit housing co-operatives and to make consequential amendments to other Acts / Projet de loi 14, Loi modifiant la Loi sur les sociétés coopératives et la Loi de 2006 sur la location à usage d'habitation en ce qui concerne les coopératives de logement sans but lucratif et apportant des modifications corrélatives à d'autres lois.

MR. KEN DEMERLING

The Chair (Mr. Garfield Dunlop): Now we're going to proceed to the deputations this afternoon. The first deputation is from Mr. Ken Demerling.

Mr. Demerling, we have 15 minutes in total. You have five, and each of the parties will have three minutes to ask you questions.

Mr. Ken Demerling: Well, you've changed the way I'm going to start. Your discussion was really quite offensive. When you look around this very grand building, this building was put together for good governance. Speeding through a piece of legislation to save money is not good governance.

I would not know about this piece of legislation if it weren't for the lawyer for my co-op. The co-op federation and the board of directors of my co-op have not advertised, have not presented this to the members. You are putting legislation through to affect people's lives, and you have not told those people what you're doing.

Good governance should take priority over cost. When I look at the debates in the House, when I talk to the MPPs, it's all about cost. This is not what this building was put together for.

According to the city of Toronto department overseeing co-ops, there are 36 pieces of legislation that impact residential co-ops in Ontario. You, as a committee and a Legislature, are planning to put another one to make it 37. Co-op housing is housing. Why is the main legislation covering co-ops an addendum to financial and farmer co-op legislation and not under municipal affairs and housing? When Toronto's housing corporation has been severely criticized for the use of the landlord and tenant tribunal, why is the Legislature planning to add co-ops to the tribunal?

In the government's original press release for Bill 14, it says we're offering safe and secure housing. Now, in my particular co-op, last week a resident was issued an eviction notice for bedbugs. Instead of having the co-op fix his bedbug problem, he had the city of Toronto do it. They didn't like that.

But the main part I'm here about, my main thrust, is that tenants in straight rental buildings get one-stop shopping. The tribunal that they're using, they go to for any problems they have with the landlords. The way you're setting up this co-op legislation, only the co-op boards can take a member to the landlord and tenant tribunal. The only way a co-op member can take their co-op to any accountability is to sue them. How many co-op members know how to do that, have the money to do it? Then,

when the word gets around that you're suing the co-op, you're a pariah and considered evil.

If you are going to go through with Bill 14, give members of co-ops the same privileges of straight rental buildings: one-stop shopping, so that we can go to the landlord and tenant tribunal for all our problems, because, in reality the board becomes our landlord, no different than any other rental building, except commercial landlords operate on principles without gossip and personal issues. Having only one party to a contract gaining access to a tribunal is Stalinist and may not stand a court challenge.

If you're wondering where my political stand is, I'm a John MacBeth Conservative, which is part of all of you. He was for good governance first. He wasn't worried about money first. He was worried about good governance, and he was a good manager of money.

To quote Calvin Coolidge as a state legislator before he was president, "It is much more important to kill bad bills than pass good ones."

The Chair (Mr. Garfield Dunlop): Thank you very much, Mr. Demerling. We now have opportunities for each of the parties, for up to three minutes, to respond to Mr. Demerling or to ask him questions.

Mr. Clark, for the Progressive Conservative caucus.

Mr. Steve Clark: Thanks very much, Chair. Through you to Mr. Demerling, I want to thank you very much for your presentation. I appreciate some of the emails that you've sent me with some of your ideas.

Very quickly, I've just got one question. You talked about notice and how you found out about this. What do you recommend that issues around co-ops—how do you recommend that we communicate that to members?

Mr. Ken Demerling: Well, there are no controls. Our city supervisor, who's on the sunshine list, controls six co-ops. We never see him. We have a problem with our board—"I'm only worried about the money. I'm not worried about problems."

I had problems; the president and the vice-president stopped talking to me. I wrote a letter to our lawyer. The lawyer and I get along quite well; we agree to disagree. And so that caused a big hoopla.

I've gotten threats—only the vice-president knew this information—to move out of the co-op. Other people have gotten threats. We need real supervision. FSCO: I can't figure out what they do. Nobody seems to be controlling. Everyone says, "Oh, that's somebody else's problem." We do not have one-stop shopping for a problem.

And remember that anyone behind me who speaks, who says they have a well-run co-op, are one election away from having a badly run co-op.

Mr. Steve Clark: Thank you.

The Chair (Mr. Garfield Dunlop): Any other questions?

Mr. Steve Clark: No, I'm good.

The Chair (Mr. Garfield Dunlop): Ms. Forster or Mr. Mantha, from the NDP caucus?

Ms. Cindy Forster: Thanks, Mr. Demerling, for being here. Nice to see you again.

So what solutions do you see to improve the co-op situations that you're addressing here today?

Mr. Ken Demerling: Someone to talk to about a bad board. We don't have anyone to talk to when we get a bad board, when we get a little dictator. You people are not just in politics. Before you were here, you were on boards, good ones and bad ones. We need someone to talk to when we have a board that's out of control.

Ms. Cindy Forster: Is there not a democratic process, though, under the co-op act for boards—

Mr. Ken Demerling: People are afraid.

Ms. Cindy Forster: —for people to actually deal with those issues?

Mr. Ken Demerling: On paper. Communism works on paper; it doesn't work in practice. And in co-ops, especially people who are on rent geared to income, which is now dictated by the province to be 50%—they are afraid to open their mouths. They feel threatened that they could be evicted at any time.

So we need someone who's proactive to come in and say, "Okay, this is working" or "No, this person has to settle down and remember that they were elected by the members and they're not here to dictate to the members."

Ms. Cindy Forster: Thank you.

The Chair (Mr. Garfield Dunlop): Mr. Mantha?

Okay, to the Liberal caucus then: Mr. Mauro.

Mr. Bill Mauro: Thank you, Mr. Chair. Mr. Demerling, thank you for being here this morning. How much time, Mr. Chair; I'm sorry?

The Chair (Mr. Garfield Dunlop): You have three minutes.

Mr. Bill Mauro: Two themes: You're speaking a fair bit about money and you're speaking a fair bit about your challenges with your board and local governance. So I'm understanding or assuming that you do not have any appeal mechanisms internally for the decisions of your board. So my question is, the board is elected by the co-op members?

Mr. Ken Demerling: That's correct.

Mr. Bill Mauro: All right. And how long of a term are they elected for?

Mr. Ken Demerling: One and two, and the maximum they can be on, in a row, is four years.

Mr. Bill Mauro: Okay. I guess I would state some of the obvious. It's the same—like, there are some MPPs that constituents feel should be re-elected and others that they feel shouldn't be, and so on and so forth. Trying to address your concern about your board—the mechanism that exists for you to deal with your board would be at the next series of elections.

But what I wanted to talk to you about was your theme. You spoke a bit about money, and I'm not completely sure on what your criticism is when you—

Mr. Ken Demerling: The debate in the House and the co-op federations, which by the way, I pay for but I have no access to—

Mr. Bill Mauro: Right.

Mr. Ken Demerling: I pay monthly. When you look at their websites, it's all about a thrust that the members are the enemy and we're telling boards how to tell members what to do. I'm talking your debate in the House, really. It's about, "This is going to save money for co-ops." No, it's going to add bad governance.

1220

Mr. Bill Mauro: I'm taking up on the point you mentioned. You're paying for the board members. Currently under the system, if you wanted to challenge an eviction as a co-op board member, you have to go to court. So if it was you individually who was challenging that eviction, you'd be paying the court cost for the co-op board and individually you'd be paying your own costs. You'd be paying both sides of it as I understand it. This is the main theme of what we're trying to accomplish here. As an individual co-op member, I'm wondering how you feel about that piece of—

Mr. Ken Demerling: If you give us a two-way street so that members can go to the tribunal when they have a problem with the board, go ahead and pass it.

Mr. Bill Mauro: I see. Got you. Thank you.

The Chair (Mr. Garfield Dunlop): Time is up, there, Mr. Mauro, so, thank you. Mr. Demerling, thanks so much for your time today.

MS. SHARON DANLEY

The Chair (Mr. Garfield Dunlop): Our next person on the agenda is Sharon Danley. Sharon? Welcome to Queen's Park. Go ahead whenever you wish, Sharon.

Ms. Sharon Danley: Thank you for giving me the opportunity to speak to this committee today.

This bill has been put together with very little, if any, input from our sector, and that is the resident-members of co-ops. It is heavily skewed in favour of boards of co-ops, staff, and CHF, which has clearly lobbied government heavily in their favour.

CHF only represents boards of co-ops and not the members of co-ops. Resident-members' interests are often in conflict with unruly boards. CHF has written by-laws to more easily evict members and helped to make the evictions process easier with contributions by lawyers like Bruce Woodrow, who is in the eviction business and on his website states that the "Ontario government has been promising to make evictions cheaper and simpler. It hasn't. We are." One way to make it simpler is to remove the rights of the resident-members, isn't it?

Fear of reprisal is palpable in poorly run co-ops, and the resident-members are some of the most vulnerable people in the city, mixed in, of course, with professionals of all description. Eviction is a punitive tactic often used by boards with hidden agendas and staff in retaliation to resident-members for speaking up, questioning what should be questioned, or standing up for others who are being threatened and intimidated.

As we understand it, a co-operative board can bring resident-members forward to the Landlord and Tenant Board for eviction, yet resident-members become

second-class citizens before the Landlord and Tenant Board because they cannot bring forward issues of maintenance, sanitation, harassment, questionable practices or reprisals. They're all being intimidated by boards and staff.

The other thing that further underscores our major concern is section 25—subsection 36(6). The act is repealing “an employee of the board,” and replacing it with “an employee in the board.” What is that? Does that make the employee part of the board rather than in service to the board? This is a huge potential problem.

Section 171.20, please explain this—I haven't got time to read it—as I can't wrap my head around the complete, unfair disregard for the law against the most vulnerable people by removing their right to equality before the law and giving all the favour to those who abuse it. This is draconian at the very best.

Co-ops that don't operate according to the Co-operative Corporations Act or the bylaws are the problem. In the OWN housing co-operative, resident-members have been given different variations of the same bylaws. The bylaws are not kept up to date and new members aren't even receiving bylaws as required. The staff's incompetence is well documented, and they have a proven record of reprisal for anyone who speaks out. So how are resident-members supposed to defend themselves, let alone call to task these entrenched problems?

Evictions are used as a threat by badly run co-ops. I was an example of a co-op's deliberate act in trying to illegally evict me, a senior citizen with a disabled daughter, shortly after I had made deputation in this very building about Bill C140. Not until I filed for a judicial review with the city of Toronto did the city do their job finally and—

The Chair (Mr. Garfield Dunlop): You have a minute left, Sharon.

Ms. Sharon Danley: Sorry?

The Chair (Mr. Garfield Dunlop): You have one minute left on your—

Ms. Sharon Danley: Thank you—immediately revoke their attempt to evict me. However, at the budget meeting directly after that revocation, the president of the board, Gerald Walker, said, “I do not recognize you and I do not recognize this court order” when I wanted to speak about questionable things in the budget. I was denied not only my right but my responsibility to contribute as a healthy and responsible co-op member. Our co-op has spent \$30,000 in unnecessary legal fees to try to prevent accommodation of a disabled person and in trying to evict me. That's outrageous.

An industry seems to be being built around the evictions of co-ops. What needs fixing is the problem at the source. The staff and boards of co-operatives must be held to a lawful standard of transparency and accountability that is part of the original architecture of the co-operative movement. And the city of Toronto and province of Ontario need to intervene as required by the acts, and include the resident-member stakeholders far more than what is being done.

How can we work together to get it right and make it fair, responsible and dignified for everyone? This bill is not the answer. Thank you.

The Chair (Mr. Garfield Dunlop): Thank you very much, Sharon. We'll now go to the NDP caucus. You have three minutes to ask questions.

Ms. Cindy Forster: Thank you for being here today to talk about this important issue with us, Sharon. Are you actually opposed to this bill?

Ms. Sharon Danley: I'm opposed to many things in the bill, and I would agree with the former deputant that if you're going to put co-ops into the Landlord and Tenant Board, then make it fair. Don't just say that the co-op staff and board can take members in to be evicted, but members can't speak to the board with respect to all kinds of problems that are being handled by unruly, wrong co-op staff and boards.

Ms. Cindy Forster: Right. So I'm assuming, from your presentation today, that you have specific problems within your co-op.

Ms. Sharon Danley: Yes, we do.

Ms. Cindy Forster: Have you ever run for the board or have you tried to run a slate of people to—

Ms. Sharon Danley: Do you know something? When I say that it makes it impossible, there is a tight-knit community; fear of reprisal is huge. When you have vulnerable people, older people, disabled people, and the fear that something will happen to them if they step up or speak out or don't vote the way they want you to vote, you don't have a fair situation here.

What I think would be great is if every board of co-ops had an outside, objective board member that had no ties, but an objective board member to make sure the accountability and transparency was brought forward. The misuse of confidentiality is outrageous. All of those things would be made more transparent. When you have transparency and accountability, things run better.

Ms. Cindy Forster: Thank you.

The Chair (Mr. Garfield Dunlop): Mr. Mantha, do you have any questions?

Mr. Michael Mantha: Yes. Could you give me a little bit more as far as how you envision implementing your solution where you say, “to the lawful standard of transparency and accountability that is part of the original architecture of the co-op housing system”? Give me a little bit more meat to what you're saying.

Ms. Sharon Danley: Sure. First of all, the city of Toronto needs to step up to the plate. When complaints are made to the city about poor management, about questionable budgeting practices, about making it difficult for disabled people etc., the city of Toronto does nothing. That's a big problem right there.

Why is the province of Ontario—when nothing happens at the city level and we go to the province of Ontario—not doing anything to make sure that the city does what they should be doing? I know it was down-loaded to the city, but there is a responsibility, I believe in the Co-operative Corporations Act somewhere—sorry; I don't have it off the top of my head. But those two

areas alone, plus having a third-party, objective board member, would be great. It would be worth the drive to Acton and to have maybe a board, a committee, a group where co-op members could go and be heard. There isn't anything for them right now, and with this bill, it entrenches and makes it worse. I'm not saying all co-ops are bad, but the ones that are, it gives them way too much power to further fearmonger the resident-members.

1230

The Chair (Mr. Garfield Dunlop): Thank you very much. We'll now go to the Liberal caucus.

Mr. Bill Mauro: Thank you, Chair. Ms. Danley, thank you for your presentation; passionate and well-informed.

The issues that seem to be at the core of your presentation, that you seem to be most bothered by, are, as I understand it, issues that currently are not within the purview or the mandate of the RTA. It seems to be the experience that most people believe that the Residential Tenancies Act and the tenant tribunal seems to do a pretty good job of dealing with tenancies. The focus of what's trying to be accomplished here is to try and provide a vehicle that is more fair and balanced for both sides.

I guess I'm trying to say that the issues that you're raising, that I seemed to glean from your presentation that you're most concerned about, seem to be issues of internal governance. So I guess my question to you is: What's contained today within your co-operative's by-laws that allows you an opportunity to address some of the pieces? I was going to try and have some of this conversation with the previous deputant, Mr. Demerling, but time did not permit.

I'm working on a bit of an assumption here that there must be some tools at your disposal already, within your bylaws, within your governing structure as a co-op, that allow the membership to try and address some of your concerns, and I'm just wondering why you're looking for this bill to fix that if in fact there already might be tools there.

Ms. Sharon Danley: Two problems: First of all, like I already stated, there are supposed to be ways to fix this, but when people step up, they're reprised. Look what happened to me: When I spoke about a bill last year, I got a notice of eviction two weeks after I made a presentation. That's the kind of thing that happens.

Mr. Bill Mauro: Okay, and under the old system, to deal with that eviction, you'd have to represent yourself at court in a very expensive way.

Ms. Sharon Danley: Yes, but the problem that I have with this, though, is—

The Chair (Mr. Garfield Dunlop): You have a minute left on this answer.

Ms. Sharon Danley: —there are several other things in here where, if there's "an irregularity in the content or service in any form," that's okay. If "an irregularity in conduct of the meeting" of a co-operative is wrong, that's okay. An "irregularity in the conduct of the meeting of the members" of the co-op pursuant to: That's okay. An

"inadvertent failure to comply with any time requirements": That's okay.

Why is that okay? Why is it that all the favour is given to the boards and nothing for the resident-members? That's my problem with this bill. If this bill was equal—

Mr. Bill Mauro: But this bill doesn't create that; that's what's there now. So the focus of the bill is to try and make that eviction notice that you just suggested was given to you—in the past, how much money would it have cost you to try and fight that eviction?

The Chair (Mr. Garfield Dunlop): The time is up for the questioning in this, so we'll maybe carry on. Mr. Clark.

Mr. Steve Clark: Sharon, I just want to thank you for coming and telling your story. I know sometimes how hard it is, and the frustration that you've had.

I don't really have a question, but I do take some of your suggestions very seriously. One of your suggestions about having the outside objective board member: I'm interested because I know, in my constituency—

Ms. Sharon Danley: Excuse me. I'm sorry; I can't hear the gentleman here.

The Chair (Mr. Garfield Dunlop): Folks, just keep it a little quieter. Thank you.

Mr. Steve Clark: In my constituency I've had two co-ops for decades, and I've been pretty close to them because I was a former municipal politician as well. I don't know that we've had the same experience that you've had, but I do take your suggestions very seriously. Thank you for telling your story today.

Ms. Sharon Danley: Thank you.

The Chair (Mr. Garfield Dunlop): Mr. Leone, do you have any questions?

Mr. Rob Leone: No. Thanks.

The Chair (Mr. Garfield Dunlop): Okay, then. Sharon, thank you very much for your time this afternoon.

Ms. Sharon Danley: Thank you.

ATHOL GREEN CO-OPERATIVE HOMES INC.

The Chair (Mr. Garfield Dunlop): We'll now go on to our next presenter. That's Ken Hummel from Athol Green Co-operative Homes Inc. Mr. Hummel.

Mr. Ken Hummel: Good afternoon, everyone.

CHF Canada and the Agency for Co-operative Housing indicated co-ops across Canada have a significant number of co-ops in difficulty, and in many cases it's due to poor management and governance.

A survey and research highlights dated April 2003 noted co-op housing with associative difficulties attributable to poor management, collusion, lack of interest and lack of competencies that include lack of participation, little interest in training, no understanding of the co-operative formula—a tenant's mentality—a non-existent, inadequate, disregarded management structure, a lack or improper exercise of leadership, and interpersonal con-

flicts that include abuses of power, cliques, favouritism and fraud.

Of the 533 federal program co-ops in the agency's portfolio, the majority are over 25 years old. Many co-ops have been poorly maintained because of deferred maintenance and the costs of replacing aging building components.

There are approximately 225 federal government program non-profit co-ops, with 20,683 households. Of those, 12,943 households represent 22,000 low-income Ontarians. Federal program co-ops will continue to calculate member housing charges that include rent-g geared-to-income housing charge subsidy calculations.

CHF Canada offers its member co-ops model bylaws as part of a risk-based management strategy that include agreements that the co-op resident member must pay back all or part of a member's subsidy if the member receives a larger subsidy than the member is entitled to.

The internal process at Athol Green Co-operative Homes Inc., a federal program co-op, has failed to resolve issues in regard to co-op RGI subsidy calculation forms for some 20 years, with the board of directors refusing to remove subsidy credits of up to \$150 per month that each co-op member is not entitled to receive, not adding revised utility allowances that may lower housing charges for rent-g geared co-op members eligible for subsidy, and lack of segregation of allowable RGI member subsidy assistance.

Athol Green co-op member housing charge debts and credits have not been acknowledged and resulted from incorrect RGI subsidy calculations performed by board members or management staff. A resident co-op member offer for a settlement of debts has not been acknowledged by the co-op board of directors and management.

No provisions exist in Athol Green co-op RGI subsidy agreements to hold accountable co-op board of directors and staff calculating member housing charges due to error, negligence or willful negligence. They owe co-op members a duty of care. Board of directors and management need to be held accountable, and held accountable to a higher standard of care.

Legislation proposed in Bill 14 would not allow co-ops and co-op members to apply to the Landlord and Tenant Board to seek remedies for disputes relating to housing charges, maintenance or any other grounds under the Residential Tenancies Act. Housing charges and maintenance issues would be addressed through the co-op's internal process mandated by the Ontario Co-operative Corporations Act.

CHF Canada and its Ontario region lobbyist have lobbied members of provincial Parliament to fast-track Bill 14 into law that may allow its member co-ops to be held less accountable by preventing individual residents from addressing and exercising their legal rights on housing charge disputes, maintenance or any other grounds through the LTB and RTA. Ken Hummel urges parliamentarians not to fast-track Bill 14 into law.

Bill 14, in its current draft, removes the requirement of a duty of procedural fairness in consideration of the

"merits of the case" the court system offers resident co-op members on issues related to housing charges and maintenance issues. The current draft of Bill 14 will result in sanctions that include evictions of co-op member residents that should never occur. Bill 14 does not protect the most vulnerable co-op members with modest or low incomes.

Bill 14 needs to be amended to permit co-ops and co-op members to make applications to the Landlord and Tenant Board to seek remedies on housing charge disputes and maintenance issues that include access to mediation services under the Residential Tenancies Act.

Co-op member residents need an adjudicator on the Landlord and Tenant Board that may ensure decisions related to housing charge disputes, maintenance issues and evictions are procedurally fair, done objectively and impartially, without prejudice.

The Chair (Mr. Garfield Dunlop): Thank you very much, Mr. Hummel.

We'll now go to the Liberal caucus. Mr. Balkissoon?

Mr. Bas Balkissoon: Thank you, Mr. Chair, and I thank you for your presentation. I'm trying to struggle with this, based on the previous two deputants, so bear with me a little bit.

1240

Currently, if you have a dispute with your co-op board based on the things you just mentioned, you have to go to court.

Mr. Ken Hummel: Yes, I do.

Mr. Bas Balkissoon: The board also would have to go to court if they have a similar dispute from the opposite side.

Mr. Ken Hummel: They would have to respond.

Mr. Bas Balkissoon: Yes, but if they wanted to take you—to find a resolution, they'd have to go to court. Both sides will be spending a lot of money. This bill that is in front of us does not change that at all. Are you aware of that?

Mr. Ken Hummel: I understand what I read in my presentation here, that a few key issues are not going through the Landlord and Tenant Board, and that is housing charge disputes and maintenance issues.

Mr. Bas Balkissoon: Okay. Now, I'm looking at what we're doing here. As a co-operative, the more money your board spends going to court with lawyers etc. against its own tenants, that actually adds to its budget, and it's collected through the monthly rent from each member that lives in the complex. So what we're doing here, if it was restricted in a sense to deal with tenants—or I should say members—who are in arrears or members who are conducting an illegal activity in their unit or members who are interfering with the reasonable enjoyment of the complex by other members, would that not be an appropriate situation where the board has the opportunity to go through a cheaper process, which is the Landlord and Tenant Board, to deal with those types of issues? Because it really deals with the enjoyment of the other members of the co-op and it also deals with you keeping your budget expenditures to a minimum.

Would you not agree that if we just did that, that would be appropriate?

Mr. Ken Hummel: I support reform, eviction reform, okay? But you have to have equality in coming before the Landlord and Tenant Board.

Mr. Bas Balkissoon: I hear you.

Mr. Ken Hummel: Members need to be able to have access to the Landlord and Tenant Board to deal with issues about a problem board of directors and managers.

Mr. Bas Balkissoon: Okay, but the Landlord and Tenant Board does not deal with those types of issues for regular tenants today, so what you're asking us to do—I think it needs that both the membership in co-ops and maybe the co-op federation get together and come back to the government to change the co-op act to provide that mechanism, because tenure issues are not in front of the rental tribunal as you may perceive it today. They're very definitive. So the things you're talking about, which is governance, the members who are elected to your board—in a regular rental building, there is no board. There's a landlord; there's one person.

The Chair (Mr. Garfield Dunlop): And with that, your time is up on that, Mr. Balkissoon, but you've got that point across.

With that, we'll go to the Conservative caucus.

Mr. Steve Clark: Yes, thanks very much, Chair. I'm going to be quick.

Ken, thank you very much for coming. I know we've engaged on social media before. I'm glad you've got your day before the committee. I'm proud that you're here and you've got your comments on the public record. And I know of your frustration with some of the things that you think needed to be added to the system.

I know that I've had a conversation in the House about the Landlord and Tenant Board proper and to try to take the discussion away from this committee. I happen to think that we, as legislators, should have a broad discussion about the Landlord and Tenant Board and allow tenants and landlords—and have a very robust discussion across the province on what needs to be changed, on what tenants think needs to be changed, on what landlords think needs to be changed. I think we have to have it all out there at some point, separate from this discussion on Bill 14.

But I'm glad to finally meet you and I'm glad you're here.

Mr. Ken Hummel: I agree with the previous presenters: This bill, as is proposed and drafted right now, is absolutely lopsided. It's for the board and management. It's stealing away member rights.

Mr. Steve Clark: Thank you.

The Chair (Mr. Garfield Dunlop): Thank you, Mr. Hummel.

Anything else, Mr. Clark?

Mr. Steve Clark: No.

The Chair (Mr. Garfield Dunlop): Okay. We'll now go to the NDP caucus. Ms. Forster?

Ms. Cindy Forster: Thanks very much, Mr. Hummel, for being here today and for sharing your thoughts with us on Bill 14.

So just to kind of clarify from the other two questions that you had, you're not opposed to reform around the eviction piece. You're not opposed to using the Landlord and Tenant Board process—

Mr. Ken Hummel: Absolutely not.

Ms. Cindy Forster: —over the court system for the eviction piece.

Mr. Ken Hummel: No, that's fine. I agree with reform, but it should be equal for the individual members as well as the board of directors and management of these co-ops.

The two aspects that I mentioned in my brief about disputes about housing charges and maintenance issues are set aside because of the lobbyists that are wanting to fast-track this bill, and I think it's disgusting.

Ms. Cindy Forster: Thank you very much. Mike, do you have anything?

Interjection.

Ms. Cindy Forster: Thank you.

The Chair (Mr. Garfield Dunlop): Mr. Hummel, thank you very much for your presentation today.

CO-OPERATIVE HOUSING FEDERATION OF CANADA, ONTARIO REGION

The Chair (Mr. Garfield Dunlop): The next deputant will be the Co-operative Housing Federation of Canada, and it's represented by Dale Reagan and Harvey Cooper. You have five minutes, and then presentations. Please proceed.

Mr. Dale Reagan: My name is Dale Reagan. I'm the managing director of the Ontario region of CHF Canada. With me today is someone I think all of you know: Harvey Cooper, our manager of government relations. Thank you very much for the opportunity to make a brief deputation to you today. We are here representing 550 housing co-ops across the province, home to more than 125,000 residents. We urge the members of this committee to support Bill 14, and after you've heard deputations and considered them, to move the bill, without delay, through to the Legislature for third reading.

As you know—as you've heard from us many times before, and as you will hear from other deputants today—reform of the co-op eviction system has been a major priority for our members for more than 10 years. In fact, it's come to no fewer than five annual meetings of CHF Canada's Ontario region, and at each of those meetings it has received near-unanimous support from the several hundred participants in the room. There have been many opportunities for it to be reviewed and for members to engage in the process and express their support for it.

We wanted to take the opportunity today to thank members of all three parties for their consistent and strong support for this legislation that has allowed it to

move to this point today. After our brief deputation, we will of course be happy to answer any questions that people have.

This bill, as many of you have spoken about in the House, has had a long history at Queen's Park, and I'm sure most of the committee members are familiar with the public policy benefits that will come with it. We don't have time today to go into the problems the bill needs to fix and how the legislation will do that. You have our full brief that reviews those issues.

I did want to take a few minutes, though, to respond to some of the points that we've been hearing from some of the earlier deputants, particularly the issue that this bill will benefit co-ops and it will compromise the rights of individual members, because that would certainly be a concern to us as well if we felt it were the case.

At the outset of this process, our members set some goals for reform. The new system needs to work better for co-ops as landlords, but equally importantly, it needs to protect and, in fact, enhance the rights of individual members. The current court-based system isn't as fair as it should be to co-op members, especially those of low income. Let me highlight a couple of ways in which that is the case.

First of all, it discriminates against those who can't afford a lawyer or can't get access to legal aid. The truth is that, at this point in time, legal clinics simply don't have the resources to make legal aid available. Secondly—and this is a bit of an obscure issue, but it's a crucially important issue—in most cases, the co-op member in court doesn't, in fact, get a full hearing of their case. The judge, rather, defers to the decision of the co-op and reviews only the process that they used to make sure that it was fair—the process that they used to reach the decision.

Under the new system, co-op members will continue to have access to an internal process for resolving disputes—a right, I might add, that no other form of rental housing provides—but Bill 14 will add significant additional protections for individual members. At the Landlord and Tenant Board, members won't need a lawyer. They will be able to represent themselves or use a paralegal. The process will be less complicated and quicker. Mediation services will be available to give—

The Chair (Mr. Garfield Dunlop): You have a minute left, sir.

1250

Mr. Dale Reagan: —another opportunity to resolve matters. At the LTB, the adjudicators will consider the case from scratch on its merits rather than deferring to the decision of the co-op. So, fundamentally, the member will get a new hearing.

Bill 14 will add significant new benefits for the co-op, but crucially it will add new protections for individual co-op members.

The Chair (Mr. Garfield Dunlop): You've got about 30 seconds if you have any further comments for your presentation, and then we're going to go to questions.

Mr. Harvey Cooper: Maybe I'll just wrap up quickly—30 seconds. We heard from a number of some of the co-op deputants about the bill being fast-tracked. We'd love it to be fast-tracked. As many people in this room know, this is the third time this legislation has come to Queen's Park. It was first introduced back in 2009. The co-op sector as a whole—that's the co-ops that we represent—first initiated this reform a decade ago, so it has certainly had a fair bit of scrutiny at this point.

We thank you for our brief deputation and invite the opportunity to answer any questions and discuss Bill 14 further.

The Chair (Mr. Garfield Dunlop): Okay. With that, we'll go to the Conservative caucus. Mr. Clark?

Mr. Steve Clark: Thanks, Chair. Through you to Dale and Harvey, I just want to take the opportunity—I think the Co-op Housing Federation of Canada probably holds the record for the most days sat in the gallery at the Legislative Assembly. I had high hopes to get this bill passed before, but as most people know, the previous Premier prorogued the Legislature for four months. It's disappointing that we were in a holding pattern. I think we could have had a lot of consultation and discussion with members and boards. All I have to say is, thank you very much for your patience.

The Chair (Mr. Garfield Dunlop): Is there anything else, Mr. Clark?

Okay, we're going to go to the NDP caucus. Ms. Forster?

Ms. Cindy Forster: Thank you. I want to thank Dale Reagan and Harvey Cooper for being here today. We're finally here, although you've been here much longer than I have on this issue. If you wouldn't mind, I'd like you to maybe spend a little bit of time talking about some of the issues that the previous speakers talked about with respect to wanting to expand the scope of this bill on the subsidy issues, the maintenance issues and the board issues. If you wouldn't mind spending a couple of minutes just talking about that and how that can get resolved.

Mr. Dale Reagan: Yes. I think the key point here is that the circumstances of a co-op member versus a tenant in a private rental situation are fundamentally different. If a tenant has a problem, they go to their landlord or to their manager and they complain. Then it's up to the manager whether they respond to that complaint or not. A co-op member also has the opportunity to raise an issue when they want some action, and they'll get a response. The difference is, in a co-op, the process for that response is democratically controlled. Members have an opportunity, through that democratic process, to influence the decision. They can raise the issue with the board of directors. They can run for the board of directors and add their voice in the co-op at that level. Members in a co-op approve the budget. They decide what the priorities are for the year. They decide what they're going to spend for maintenance through a collective process. That is fundamentally different and gives co-op members fundamentally more rights to determine the direction and deal with any issues that they have in the co-op.

There is a proactive and a positive set of opportunities for co-op members. There are also opportunities under law for them to address matters that may be a concern to them. They can go to court to have an inspector appointed. The Financial Services Commission of Ontario can launch an inquiry if a co-op member has raised concerns. We've seen that. There have been some recent examples of that where FSCO has gone in and asked a co-op to respond to certain sets of issues. There are rights in Small Claims Court. There are municipal avenues. You have the oversight of the program regulator, the service managers, where, very often, matters are raised with them, and they return to the co-op to address those matters.

The circumstances are fundamentally different, and at the heart of that is the democratic control in a co-op.

The Chair (Mr. Garfield Dunlop): A quick comment, sir?

Mr. Harvey Cooper: On the governance issues—I don't know how much time we've got left. We heard from some of our co-op friends about those issues, which might be a little bit tangential to the bill, but I think you've got to look at this holistically.

We have over 550 co-operatives across the province—125,000 people. The average co-op has 200 to 300 people living in it. They elect the board from amongst themselves, as Dale mentioned. It is not surprising, because these are people's homes—we love to hear the passion, and we know that passion, because the members themselves have brought that issue to us as a democratic association. They struggle with issues just as families struggle with issues, as communities struggle with issues. To expect 200 to 300 people to agree each and every time on each issue can be challenging.

The difference is: In a co-op, they have a voice, they have a vote. Periodically, you're going to get, amongst 125,000 people, somebody who feels their co-op or a few people aren't running well.

We work with those co-ops and those people every single day of our lives. What we encourage them to do is—they actually have the means; they have the structure. It's not some absentee landlord. The landlord is them; they're the people next door. We spend a lot of time and resources trying to ensure that co-ops can resolve any issues in an amicable way.

But, just as in the Legislature—we were pleased to be there this morning and hear the spirited debate. In each and every of those 550 co-ops across the province, you get that same spirit, that same passion, and we, as an association, get it ourselves because they are us. They're the ones who pay us and elect us, our board, and we appreciate that discussion.

The Chair (Mr. Garfield Dunlop): Thank you very much. We'll now go to the Liberal caucus.

Mr. Bill Mauro: Thank you, Mr. Chair. Gentlemen, thank you for being here. Three minutes goes by very quickly, but thank you for reminding us all that all three parties have supported the bill to this point. I'm slightly surprised by Mr. Clark's comment about somehow the government side being responsible for holding this legis-

lation up. That's a bit of a surprise. Nevertheless, there have been a couple of very serious comments made here by members of the co-ops. I'd like you, as quickly as you can, to address them. It's somewhat consistent with Ms. Forster's comments.

One, the language was used that this legislation is "stealing" members' rights. I'd like to hear your thoughts on that, and if you could specifically tell me what lessens a tenant's protection in this legislation.

Number two, how currently—you've addressed it a little bit here already—they're able to address some of the non-RTA-related issues that they have internally within the board as it's currently constructed.

Mr. Dale Reagan: Okay. I'll speak on the first part and Harvey on the second.

As to how this protection, in fact, enhances the rights of individual members: Under the current process, because it's a process that ends up in court, if it goes that far, right from the very beginning, not only the co-op but the member has to be acting in a way to protect their legal rights. If they are to protect themselves fully, they really should be engaging a lawyer from the beginning.

The way it works is, the court will scrutinize the internal process. It will look very closely at how it was conducted. The member, as well as the co-op, has to follow the rules that are there, and can easily get those wrong.

Obviously, especially low-income members cannot afford a lawyer. Access to legal aid services is much reduced. Most legal clinics simply will not take on these kinds of cases. So this more accessible, more affordable, quicker process will be of benefit to members.

The second point is that the key one that—under this new bill, when they get to the tribunal, the tribunal judge will say, "Okay. That's what the co-op decided, but we're going to look at this thing from scratch. We're going to look at it on its merits, and we're going to make our own decision." So the member gets their day in court, or at the tribunal, to make their case, which they don't currently have, where the judge just reviews the process.

Mr. Bill Mauro: Thank you.

The Chair (Mr. Garfield Dunlop): Okay. You have about 30 seconds, guys.

Mr. Harvey Cooper: Just quickly: Mediation is also built into the LTB process. It's difficult to cover a number of those issues, but let me just say in general, because some of them were outside the purview of eviction reform or the Landlord and Tenant Board: What we would hope is, because the LTB, compared to the court system, is an expedited system, particularly that is the most divisive thing that ever happens in a co-op for obviously the member, but for their peers. For the people on the board and the general members to actually displace somebody from their home—that is the absolute last thing a co-op ever wants to do. What, in fact, causes further distress is that it drags out for years and it becomes extremely, exorbitantly expensive, not only for the co-op—and these aren't deep-pocketed community-based organizations—but the poor member.

1300

Hopefully, with the reform, it will be a lot fairer, not only to the co-op and the board which represents the co-op, but most importantly, as we have said, it creates a level playing field for that member. They can go to an expedited system where lay people are used to defending themselves, as opposed to the Ontario court system. We just see this as a win-win-win: It's a win for the government, it's a win for the co-op and most, importantly, as the members—

The Chair (Mr. Garfield Dunlop): Thank you very much, sir.

BLUE HERON CO-OPERATIVE HOMES

The Chair (Mr. Garfield Dunlop): We'll now go to Blue Heron Co-operative Homes. Michelle Bainbridge is making the presentation. Michelle, welcome.

You have five minutes, Michelle. Proceed.

Ms. Michelle Bainbridge: Thank you very much. Good afternoon. My name is Michelle Bainbridge, and I've been working in the co-op housing sector for over 20 years as a staff person in the Ottawa area. I'm currently working at the Blue Heron Co-op, and have been since it opened in June 2006. The Blue Heron Co-op is located in the Kanata North area in the city of Ottawa and is in the riding of Carleton-Mississippi Mills, represented by MPP Jack MacLaren.

Blue Heron Co-op has the distinction of being the pilot project under the CMHC-Ontario Affordable Housing Program Agreement enacted in 2002. Our co-op has a total of 83 units consisting of 58 apartments and 25 townhouses. We have over 100 members and approximately 40 children living in our community. We provide rent subsidies to 59 individuals and families on low and fixed incomes so that they can have a clean, safe, affordable home.

A co-op operates on a not-for-profit basis, and in our case the rent each member pays is the only source of income; we do not receive any operating bridge subsidies like other co-ops get. If a member does not pay their rent, we cannot pay our bills.

A co-op is usually very reluctant to commence the eviction process as we know it is a very long, difficult and expensive endeavour, with no promises of success. It can divide a community and cause lots of tension between members, friends and families.

At Blue Heron, we work with our members when they find themselves having difficulty paying their rent. I often go over how to budget their finances with them, enter into payment agreements if they fall into arrears and do just about everything possible to avoid evictions.

The example I bring to your attention is the case of a household that, over the summer of 2009, fell into arrears. This household was asked to meet with the board to discuss the matter in October of that year. Since they did not attend that meeting, the co-op board began the eviction process in November by issuing the notice to appear to meet with the board, and the eviction date was

January 31, 2010. We extended this date by a month, as we felt that a December 31 eviction date would not be appropriate.

The members did not attend that board meeting, nor did they appeal the board's decision to evict them to the co-op's membership, which is their right under the co-op act and the co-op's bylaws. The household did not move on January 31, the eviction date; therefore, we hired a lawyer the next day to apply for a writ of possession in court. The total amount of the arrears at this point had now grown to over \$9100.

It takes a lot of documentation and a lot of time to prepare an application for the writ. Since the court only takes applications for writs a few days a month, we missed the March filing deadline, and our lawyer was not able to file until April. A court date of May 28 was set to hear the application.

The members retained legal counsel three days before the hearing and requested an adjournment in order to have time to prepare their defense. This is a fairly common tactic used to delay this process. The hearing was rescheduled to July 15, in which the judge granted the co-op the writ of possession for the unit, and it was effective for August 1. The judge determined that the total amount of arrears to be paid was over \$13,300.

Thankfully, the members moved out without incident by July 31; however, there were significant repairs needed to the unit that the co-op had to pay in order to make it ready for occupancy for the new members. It took eight and a half months, from November 2009 to July 2010, to go through this process. The cost of legal services incurred for this one eviction was over \$7,700, and the total amount the co-op lost in combined revenue and expenses was over \$21,000.

You might not think that \$21,000 is a lot of money, but for us, we could have paid for a playground for the kids in our co-op to play on, or to buy a screen door for each of the units to keep bugs out of the homes. We currently budget \$6,000 a year in legal fee costs, or the equivalent to the average cost of one eviction. This is an astronomical amount compared to the \$170 filing fee to the Landlord and Tenant Board that our non-profit cousins and private landlords currently pay.

The Chair (Mr. Garfield Dunlop): You have about 30 seconds left, ma'am.

Ms. Michelle Bainbridge: I thank you for the opportunity to speak to your committee to help highlight the real need for eviction law reform that non-profit housing co-op communities across the province are desperate for. Eviction law reform has been a priority for housing co-ops in Ontario since 2004, when the first resolution was passed. Since all three political parties support this bill, I am hopeful that it will be passed quickly. Thank you.

The Chair (Mr. Garfield Dunlop): Thank you very much, Ms. Bainbridge. We now go to the NDP caucus for their comments. Any questions?

Ms. Cindy Forster: Thanks so much for being here today. It's great that you actually brought us a real example, because we often deal in amounts of money but

we don't really put a personal spin to the actual facts of the situation. What I'm hearing from you is that you're fully in support of this bill. Do you have any comments with respect to the previous speakers and problems that they encounter with respect to perhaps rogue boards or the issues of maintenance complaints or other types of problems that may not be addressed by this particular bill in your particular co-op?

Ms. Michelle Bainbridge: In our particular co-op, I am thankful that we do have a good democratic organization. We have a good board that is looking at improving themselves and learning how to govern the organization. There are resources available through a local resource group in Ottawa; it's CHASEO, the Co-operative Housing Association of Eastern Ontario. There's the CHF Ontario region as well as CHF Canada, which provide resources for co-ops to learn. They can take workshops and online courses on governance and management. My members come and see me all the time, and I work with them if they run into problems. I've had people lose their jobs. What do they do? Are we supposed to start evicting them because they can't pay the rent because they don't have a job? I do everything in my power. When an eviction like this takes an awful lot of time, it takes me away from being able to look after the administration and the requests of other members as well.

Ms. Cindy Forster: Do actual members have the right to make a request to the board to attend some of these educational opportunities that are available in the province or in your particular region?

Ms. Michelle Bainbridge: In our co-op, we encourage that. I've worked in six different co-ops in Ottawa over 20 years. In every co-op that I worked for, I always made it a priority to engage the members. That's how you're going to have succession planning for your board of directors. If you have other members who are involved in that process and know that there's education and training opportunities out there, then they in turn can run for the board themselves.

Ms. Cindy Forster: Are there actual fixed terms under your particular bylaws or under legislation that board members can only sit for X number of years without taking a break?

Ms. Michelle Bainbridge: That is correct, yes. Our bylaws state two consecutive two-year terms, so four years. Sometimes it could be a little bit more if they were appointed to fill in the balance of a vacancy, but maximum two elections, so four years, typically.

Ms. Cindy Forster: Thank you very much.

The Chair (Mr. Garfield Dunlop): Now to the Liberal caucus. Mr. Mauro.

Mr. Bill Mauro: Ms. Bainbridge, thank you for being here today. I was involved in the management of social housing in Thunder Bay for 15 years. I take very seriously the concerns that have been expressed here today by the tenants, and I can also take very seriously and understand the example that you describe in your presentation. I've seen both sides of this issue very clearly for 15 years.

Having said that, I'm a bit dismayed by the tenor of the conversation here today. We might leave here today with the assumption that this is a bit of an "us against them" situation, even though all three parties are supporting the legislation. There may be some changes being brought forward. Given my experience—and I was not involved with co-ops at all—I would have to believe that in your circumstance, there would be a lot of tenants who were quietly or maybe not-so-quietly supportive of your work when it came to evictions. I've had some experiences with some really bad folks who can really affect the ability of the other tenants and, in your case, co-op members to enjoy their property and to raise their children in a safe environment. I'm just trying to get you to speak a little bit to me to try and do away with this "us versus them" atmosphere that seems to be here today in terms of what happens with the other members in your co-op when you get yourself involved in an eviction. Rent arrears is rent arrears, but when we deal with issues where people are affecting the ability of somebody else to safely raise their children and enjoy their property—I'm interested if you could just speak to that a little bit in terms of where you find yourself.

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Ms. Michelle Bainbridge: Well, it does have an impact. If you have a household that tends to be a little bit noisy, they're not abiding by the bylaws, it creates a lot of animosity amongst the other members. I've actually had good members move out because they say, "You know what? I can't deal with that. You're not doing anything; you're not evicting them. I'm not going to stay because I don't find it's a safe place for my kids." Or late-night parties, noise—

Mr. Bill Mauro: So it's not just a management-versus-a-tenant piece, is what I'm trying to drill down to. Oftentimes, there could be support from tenants in a building and co-op members for what the management is trying to do so that they themselves can enjoy their property and their home—it's their home—and raise their children in a safe way.

Ms. Michelle Bainbridge: Exactly.

Mr. Bill Mauro: Do I still have a bit—

The Chair (Mr. Garfield Dunlop): You have 30 seconds.

Mr. Bill Mauro: Is there anything in this bill you would change or make any suggestions to us that you might—

Ms. Michelle Bainbridge: At this time, no. It doesn't cover everything, but it sure as heck is a lot better than the current process that we have. I do find that it is more equitable, as Harvey and Dale had said. A lot of low-income families or individuals might not have access to legal representation through the court system in the length of time that it takes. Whereas here, they will get a full day in court, as well as the co-op management will be able to deal with the situation a lot more quickly and a lot more effectively.

Mr. Bill Mauro: Thank you.

The Chair (Mr. Garfield Dunlop): Thanks very much, Michelle.

Mr. Clark?

Mr. Steve Clark: Thanks very much, Michelle, for coming in. Again, I want to echo the comments from my colleagues here today about giving us the example. Certainly I want to point out that your example shows some members who moved out without incident. So we're talking \$21,000 for a situation where there was, in effect, no incident. At the end, it could have been a lot more, so I appreciate that.

The other thing I want to do is just put on the record about your member of provincial Parliament, Jack MacLaren, who I know you have educated very well in the benefits of co-operative housing. I know that after he visited your facility, he was a bit of a fan and a bit of a cheerleader for co-ops.

One of the things that we miss when we deal with legislation like this is the fact that co-ops, for the most part—there are always pros and cons. Believe me, there are always good examples and bad examples, to me. I'd love to hear your comments about the fact that maybe we should be trying to, as three parties, encourage more co-op development in our local communities. So I'd love to hear, given your experience, what you would say to that.

Ms. Michelle Bainbridge: Well, I think the co-operative model is a better model compared to other forms of rental housing.

Yes, there are issues; there are problems. Sometimes I've heard of other co-ops where you get a certain group that get into control of the board of directors, but the members, as a group, do have the capacity to remove the board members if they feel that they're not making the best decisions in the interests of the members. There are mechanisms in place in the bylaws and the co-op act that provide for that.

It is unfortunate, and I have seen it in other communities, where an individual may feel that they aren't able to speak up, but they need to be able to rally their members because yes, there will be people who will support them. And if they have numbers, they have security and safety.

Mr. Steve Clark: You've got term limits, too.

Ms. Michelle Bainbridge: Me? No.

Mr. Steve Clark: No, not you, but the board. You were talking earlier about the term limits.

Ms. Michelle Bainbridge: Yes, the board. Our board does.

Mr. Steve Clark: That's an interesting concept.

Ms. Michelle Bainbridge: Yes, because it does—

Mr. Steve Clark: I won't belabour that. I have my own views.

Interjection.

Mr. Steve Clark: No, that's fine. Thank you.

The Chair (Mr. Garfield Dunlop): Michelle, thank you so much today. Thanks for being here.

ATAHUALPA CO-OPERATIVE HOMES

The Chair (Mr. Garfield Dunlop): Our next deputant is Nicole Waldron from Atahualpa Co-operative Homes. You have five minutes, ma'am.

Ms. Nicole Waldron: Don't you love that name?

The Chair (Mr. Garfield Dunlop): I had a bit of problems with it, I guess.

Ms. Nicole Waldron: You did it well.

Good afternoon, everyone. I am Nicole Waldron and I am a proud member of Atahualpa Co-operative Homes. I have lived there for 19 years. I am pleased to speak to the committee this morning—or this afternoon, as the case may be—regarding Bill 14.

Atahualpa is located in the Kingston Road and Brimley area and we have 79 units with approximately 120 members. Over the years, in this vibrant, beautiful community—because I really love my community and some of the co-ops around that I have visited—I have sat on various committees. I have sat on a board; I have sat on a member selection committee; I have sat on a social committee. You name them, I've been there.

Over this time, I've had the opportunity to speak and deal with members who are facing financial challenges and end up in arrears. That brings us to why we're here today.

We have had to develop a more assertive approach, unfortunately, to dealing with arrears due to the cost factors all around and, at times, the open disregard by some members—not all individuals—for paying their housing charges—what currently is known as rent in the other world—in a timely manner.

Here's some of part of our process at Atahualpa Co-op. Within three days, we start correspondence with our members to let them know: "As a reminder, your housing charge is due." We continue to work with them in that month to see if we can resolve the issue that they're facing financially. It will involve, at first, correspondence and phone calls from our manager. If it's not resolved with a performance agreement or some sort of arrangement put in place, it then comes to our board of directors, and the process goes on from there.

In the instances where the issue is not resolved, where in most cases the member is not adhering to the performance agreement they have set out with the manager of the co-op, they then have to end up coming to the board and we try things like, "Let's do some sort of credit counseling; let's do some sort of seeing if there are any loans that you can get, because sometimes you can get it from the rent bank."

We really go through a very extensive process, working with our members, because, as you can imagine, the thought of having to evict your neighbour is heart-breaking. Sitting at a board table, it is excruciating. I can tell you, I have cried at board meetings, having to actually think of having to evict a member.

As we move forward and we recognize as a board that there are times when a member may have a blatant disregard or an open disregard for not paying their hous-

ing charge, we have to go to the next step, which is an eviction process. It is costly for our co-op, it is costly for the member and it is time-consuming all around to our staff and the people that volunteer their time as board members to deal with this process.

I'm going to give you two examples of instances where we have had to reach that final stage of eviction.

We had a case that started in October 2008 and ended on January 29, 2009. It took three months for the legal process, with a \$2,400 bill. The unpaid arrears were over \$3,700, with a total cost to the co-op of over \$6,000.

The second case, which you may find interesting, started in January 2011 and ended May 27, 2011, a four-month process. Legal fees: over \$7,000; outstanding arrears: \$6,500; damages to the unit by the member: \$2,500—a cost to the co-op of \$16,000.

The interesting fact with this case: When the eviction was decided by the co-op, the member appealed to the membership, which is part of the process. The membership heard her story, believed her and that in good faith she was going to pay back the money. In fact, she didn't. Hence, we had to go back through the process and ended up with this \$16,000 bill.

As you can clearly see from these two examples I've shown and from what I've just said, our process is extensive and the burden is heavy upon members. The monies and time that Bill 14 will save co-ops—not just my co-ops but co-ops all over the country—will be phenomenal. When I think of what we could have done with the loss that we have incurred, and when my colleagues prior have spoken of—and I understand maintenance issues, but we have processes in place to deal with those things. This in fact hurts when you have to deal with aging housing stock and you have to deal with building infrastructure. So \$16,000 could have gone a long way, over time.

The Chair (Mr. Garfield Dunlop): About 30 seconds, ma'am.

Ms. Nicole Waldron: Thirty seconds, and I'm wrapping up.

So today, I implore you to really consider Bill 14. I know that our members at Atahualpa Co-operative Homes; the members that I have sat with in the AGMs—the last 10, 12 years, I've gone to the AGMs—I know that they support this bill almost unanimously. You will have one or two who won't, but I'm telling you, at our AGMs all across Canada, they have said, "Yes, let's push this bill forward." So today, I thank you for your time and I really pray and hope that you will push this bill through.

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The Chair (Mr. Garfield Dunlop): Well, we're trying to. You can tell by our time frame here.

We'll now go to the Liberal caucus for comments. You have three minutes. Mr. Mauro.

Mr. Bill Mauro: Thank you, Mr. Chair. Thank you, Ms. Waldron, for being here. I want to be clear: You're here today as a 19-year member—

Ms. Nicole Waldron: Veteran.

Mr. Bill Mauro:—veteran member, experienced member of a co-op, speaking as someone who lived in a co-op for 19 years and who has served in a variety of capacities on various committees within that co-op, very much supporting this bill.

Ms. Nicole Waldron: Yes, sir.

Mr. Bill Mauro: So, as I said in my earlier comments, there have been what I consider to be a couple of very serious comments made in terms of what the legislation would be doing to co-op member rights. As somebody who has got almost 20 years of history, it's maybe a bit unfair of me to put you in the position of speaking directly to other co-op members—and I don't mean to put you in a bit of an adversarial position—but I think it would be relevant, certainly for me, who continues to learn about these issues, for you to give me your perspective (1) that this bill somehow is minimizing existing rights for co-op members, and (2) if you have time, a bit about what your internal processes already allow you to accomplish.

Ms. Nicole Waldron: I think from what we heard when Harvey and Dale spoke, it really doesn't minimize the rights of a member. In fact, it actually gives them more rights as a member, because they have more of a process. When I had to deal personally, as a board member, and listening to the process—it's quite expensive having to go and find a lawyer, to try and find legal aid, and it actually delays the process for them. The member sits in limbo as to what they can do. So this bill really does help them in more ways than one: that they can get mediation help, that they can bring a friend who may be a little more well versed in how to deal with things and have that friend sit with them in that mediation process. So, in fact, it can work to the member's advantage. When the tribunal is going to hear the case from the beginning, not just based on what the legal nuances are in the court, it really would help a member, I would think. From all the readings I've done, all the questions I've asked as a member, I feel quite content that they would be in a better position. I wouldn't be here if I didn't believe that was true.

The Chair (Mr. Garfield Dunlop): Anything else? Now to Mr. Clark.

Mr. Steve Clark: Thank you very much, Chair. Ms. Waldron, can I call you Nicole?

Ms. Nicole Waldron: You can call me Nicole.

Mr. Steve Clark: Now, Nicole, I tell you something: If Dale and Harvey don't get you out visiting every co-op in the province of Ontario and helping the education process, I will not be very happy with them. And they'd better bring you here on October 1 for their lobby day.

Ms. Nicole Waldron: I will be right there.

Mr. Steve Clark: You'd better make sure. They'd better give you the mike—

Ms. Nicole Waldron: I have my ticket. I have the ticket.

Mr. Steve Clark:—because I think you're the poster child for promoting co-ops, so I want to make sure I see you on October 1.

Ms. Nicole Waldron: I'll be there. I'll be there with bells on.

Mr. Steve Clark: The one thing I want to just raise is the fact that you've given us two examples: one that was a fairly short time—they're only three years apart. But the difference in cost for a three-month to a four-month dispute, in your two examples, was \$10,000. What I'm trying to say is, it just shows the example of, when you get down this road, it can add up very quickly.

Ms. Nicole Waldron: Very quickly. It all depends on the housing charge. The housing charge is really going to establish what some of that cost is. If somebody is on subsidy and they have a smaller housing charge versus somebody who is on market rent—and subsidies vary. So it can really differentiate between how much it's going to cost.

To be quite honest, when you get to the point when you have to evict a member, it's really a member who really doesn't have the best interests of their neighbours in mind, because if you were really concerned about your neighbours and the people whom you've been living with for a few years, you would not get to this stage. I always tell members, "Pick up the phone and call. We are willing to work with you. We don't want to see you on the street—winter, spring, summer or fall." My son was born in a co-op, and he is 18 years old today. My nephews were born in a co-op. My whole family lives in co-ops. I have friends who live in co-ops. We're really good people, but I will not sit here and be naive and say that there are not people who live in co-ops who take advantage of the system. They are people who know the system. They go from co-op to co-op or from building to building, and they play the game. Those are the ones who really hurt everyone in the long run.

Unfortunately, as much as I am sympathetic and empathetic to what other members have been experiencing in co-ops where there may be some challenges in governance—we do our best as a co-op sector to make sure that members are educated. I know, in my building, for instance, we make sure that education is key. All members are invited to be educated on the process. We have a very great process on how to become a board member, how to be a leader, how to make these decisions. It's not a willy-nilly system. It's a system that works, as you can see, and it's a system, I believe—and I'll say, yes, we need more co-ops.

The Chair (Mr. Garfield Dunlop): Thank you very much.

Mr. Steve Clark: What a perfect way to end.

The Chair (Mr. Garfield Dunlop): We'll now go to the NDP caucus.

Ms. Cindy Forster: Thank you very much, Nicole, for being here today. I just have a couple of questions for you. You've got tenure, certainly, with your co-op. How many evictions would you say there have been in the 19 years that you've held a variety of positions?

Ms. Nicole Waldron: I was actually trying to get that number for you today, but my staff person is overworked and I couldn't get that number for you. There haven't

been that many, maybe one every few years. It all really depends, because we really try hard not to have an eviction happen. It's the cases that sit on the books, that sometimes people will—and here's the thing: You may have evictions but then you may have people who you tell that they need to pay their housing charges and they abandon the unit. She's given me three cases right now that people have walked out and abandoned their unit because they refuse to pay the housing charge. It's kind of hard to say how much money we have lost over the years and evictions we've had to deal with, over the 19 years.

Ms. Cindy Forster: Right. And when you talked about, the housing subsidy kind of moves, depending on the tenant, do you still continue to get that housing subsidy while you're going through the eviction process?

Ms. Nicole Waldron: Yes, because a person is still on a limited income, so it shouldn't really affect them. They may end up losing their jobs or—there are so many different circumstances, so they still are entitled to their subsidy.

Ms. Cindy Forster: And then the other issue that was raised was around the issue of confidentiality.

Ms. Nicole Waldron: Yes.

Ms. Cindy Forster: So at your particular co-op—and I'm just throwing this out as an assumption—the member-tenants are not aware of the eviction unless they request a process to air their problems in front of the—

Ms. Nicole Waldron: I'll sum that up in one minute for you. The manager gets the case. The board knows nothing about it until it becomes a problem. When I go to a board meeting and it comes before me, I still don't know who it is, until they have to show up. We deal with tenants—our members; sorry—with numbers. We give each member a number for their case. The only time the entire membership will know is if the member himself or herself has decided to appeal the process. Then it becomes public knowledge in that co-op that that person is in arrears and is facing an eviction.

We're all bound by the privacy act, so we're very, very, very protective of privacy and confidentiality, and if a board member—it's in the bylaws. If a board member breaks confidentiality, we have the ability to remove them from the board.

Ms. Cindy Forster: Thank you.

The Chair (Mr. Garfield Dunlop): Mr. Mantha? You've got a few seconds.

Mr. Michael Mantha: Just a few seconds? Beyond the board member, is there another individual that a resident can go and complain to or further pursue it, like a service manager?

Ms. Nicole Waldron: There's the manager in the co-op—that they can go and get some help. I live in Toronto. Sometimes members will call CHFT and ask for some help, because it is a member-driven organization. Our members are the people who live there. Sometimes some people will even call their councillors for help; sometimes they will even call the city for help. There are

many places someone can go for assistance if they need help, and if they find a roadblock, go to the next level.

Mr. Michael Mantha: And that service manager is beyond the board members?

Ms. Nicole Waldron: Yes.

The Chair (Mr. Garfield Dunlop): Thank you very much.

Ms. Nicole Waldron: Thank you.

The Chair (Mr. Garfield Dunlop): Nicole, it's been a pleasure having you this afternoon.

Ms. Nicole Waldron: See you on the 1st.

The Chair (Mr. Garfield Dunlop): Okay.

CENTRAL ONTARIO CO-OPERATIVE HOUSING FEDERATION

The Chair (Mr. Garfield Dunlop): Our next deputant is the Central Ontario Co-operative Housing Federation, and Carine Nind, the president. Carine?

Ms. Carine Nind: Hello.

The Chair (Mr. Garfield Dunlop): How are you? You have five minutes.

Ms. Carine Nind: Thank you. Not only am I on the Central Ontario Co-operative Housing Federation, but I also live in a housing co-op. I've been working with co-ops for the last 26 years and I currently work with Willowside Housing Co-op in Kitchener. I hate putting all these hats on here, but I'm an educator as well and I did overhear some questions about education, so that will be great.

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When I first met with John Milloy, who is our MPP in Kitchener, we were presenting our feelings and our process about what we wanted as far as this change in our eviction procedures. At first I was not in support of it because I believed in one member, one vote. The co-ops communities themselves could manage.

But over the time in working with this one co-op that I've worked with for the last 10 years directly in providing neutral chairing with co-ops that are in difficulty or co-ops that are appealing—a member has appealed a decision of the board, and they've asked for an outside chairperson; I've been that person. Also, being on the COCHF board of directors and listening to some of the co-ops that are in difficulty, and knowing that much of the challenge is when a community has not got its governance, its management, connected, where persons who feel that they can overstep the boundaries of responsibility, of benefit, end up pushing the envelope such that a community—I've watched boards who got nervous about issuing eviction notices because of the energy of that person. I've watched communities try to defend an individual—one or two people in a meeting, saying that they thought that they should keep this person who's in arrears because, "After all, we've got vacancies and this will only be one more vacancy." I'm sure you can put the dots together to connect that that's not the option for filling your units. It's not by saying that you'll hang on to those

who aren't being accountable and responsible to begin with.

The co-op that I work with is currently faced with a process of going to the court system because of a member who, for four years, was a real challenge for many members.

Let me tell you about the co-op I work with. It's two apartment buildings, 91 units, more than 18 nationalities. Sixty-nine of the units are rent-geared-to-income, so that's 22 full-market. Fifty-eight of the units are "deep core" need. It's a lingo that they use in defining categories of high need, which they are. We have the physically challenged. We have three people who are illiterate. We have many different—I want you know. It takes in all of them.

They have, in the 25 years—this is their 25th anniversary this year—grown from acting like they were children in kindergarten and having big responsibility for big buildings and lots of money to the point now where they have a four-page code of conduct: conflict of interest; can't be in arrears if you're running for the board. They do a process. They repeat that each year, and every member gets a copy of what's involved in coming on that board, being elected, and what they're to uphold.

As I say, they have an eviction that they have succeeded—the member appealed—I need to take a drink of water. Sorry.

The Chair (Mr. Garfield Dunlop): And you have a minute left.

Ms. Carine Nind: All right. Hopefully, you'll ask me more questions, because I could keep going on.

The member appealed. We had a very good turnout: 41 people. The membership took turns asking questions; the individual responded. But they responded in a fight-back attitude, using foul language. Some members left. When the vote came, it was 36 votes. We always encourage the member who's being considered be a part of the ballot counting. It's a secret ballot. It's outside of the room. The ballots came back, 21 saying, "Please, you must leave," 14 saying, "You can stay."

That individual has subsequently decided, "I'm not going. You're going to have to do something about it." That whole process began probably in the beginning of the year. By April, the co-op board had decided that the best thing they could do is—and they even recommended—"You need to take this to the members. We can't continue to hear all these things, and you deny them. We need to have it go before the membership." When they did that, that individual, unfortunately, did not recognize what they could do differently.

I want you to know that there are things like illegal activities. There is—this person's on rent-geared-to-income—having others pay for rooms in that unit—serious, serious reasons.

The Chair (Mr. Garfield Dunlop): Okay.

Ms. Carine Nind: You want me to stop?

The Chair (Mr. Garfield Dunlop): Yes. Your time is up. Thank so much.

We'll now go to the Conservative caucus for questions. Mr. Clark?

Mr. Steve Clark: Thanks very much for coming today and telling your story.

Ms. Carine Nind: Thank you.

Mr. Steve Clark: I appreciate the level of detail you gave us about the two buildings. Happy anniversary. Do you think that the strength, the longevity, is based on that democratic model that co-ops make up? I'd love to hear your comments.

Ms. Carine Nind: Thank you. It has been something that, when I got involved in co-ops, I believed, but I didn't have any proof of it. After 26 years of working directly with housing co-ops and then participating in the many different ways, I'm a firm believer that we make big mistakes by not having people—no matter what their income, no matter what their background—able to collectively make their own decisions. Yes, it takes guidance. This community had all kinds of challenges in the past. But they have grown to say, "This is what we expect."

They're not mean. We just had a barbecue, and they did halal food so that everybody in the community can come. They have a pet policy that allows three dogs, even though many of the members—in apartments; can you believe it? But the city says you can have three, so they went with it. The people with dogs and the people without dogs came to that meeting. Now they agree that those with dogs—if someone says, "Please, can you step back?" they will, and they'll wait for the next time to get the elevator.

I see the challenges in other co-ops, in other communities that haven't grown that way. They're still in kindergarten and they're still tossing mud. It costs a lot of money when we don't have a process that is fair not only to the individual who is being held accountable but also to the community, and that makes the community stand accountable as well. It's local and it's less costly.

I don't think you'll see a lot more running to that process, but I do think it will assist. We had one situation in 25 years, and that cost us \$8,000. That individual owed us money to begin with and just stayed until we finally got the sheriff and all of those things. It's hard for the community; it could have been a lot more seamless. I'm certainly still an advocate for appealing within the membership, having the person have the right to speak about how they felt in front of the members. But if, after that, the community is saying, "No, you really haven't got it. You're still willing to behave the way you were and you're not going to pay," or whatever, then we need a way to seamlessly be able to deal with it, close. Certainly the court system doesn't. I don't believe they want us there. I'm sure they've got many other things to do.

Mr. Steve Clark: Thank you for coming.

The Chair (Mr. Garfield Dunlop): Thank you. Now to the NDP caucus.

Mr. Michael Mantha: I was really enjoying your comments that you were making earlier. One of the strengths I have is, I listen a lot. I tend to keep my words

short. I can't believe the Chair interrupted you when you finished your words, so we were talking amongst ourselves here, and we want to let you have your time to finish talking about your experiences in your co-operative. So by all means, the floor is yours.

Ms. Carine Nind: Wow. Thank you very much. I didn't write anything because if I'd written it, you'd have a book.

Mr. Michael Mantha: That's probably why we're enjoying it. It's from the heart.

Ms. Carine Nind: In fact, that's one of my appeals. I would like to do that. I would like to write the co-op story first-hand: how a community can, with good leadership. We now have requirements in co-ops, those that are downloaded and those that are related with the federal and the agency. You now must have board training. You can't be on a board of directors without getting that training. You can't just ask Joe Blow to come in and do it. It needs to be someone who's an adult educator in co-operatives.

The fine-tuning of good management and good governance is a really, really—it's a model that I think we should go forward with, I really do. I think we'll have more people being accountable.

The individual whom I told you about who's been appealing: Had this individual not had their housing charge paid by social services, they would have been in arrears, was in arrears; and then they addressed that, and now they pay directly so it's not in arrears. And it's more sticky when it's conduct, when it's behaviour that is not supported by others—and frightful for some of them. There are a lot of scary people coming around. This community has been inclusive, has welcomed a lot.

We have a young lad, Nikola. His mum has mental health issues, and he is severely autistic and didn't get a lot of guidance when he was younger. Now he stands six feet tall, he's about 13 years old, and his temptation is to walk right up to your face and yell at you, "Deal or no deal?" or that kind of—recently, we changed our laundry equipment in one of the buildings. It's a smart card. It's like a credit card that you use to get the laundry done and to pay for it. So we had these information meetings because a lot of people were nervous—

The Chair (Mr. Garfield Dunlop): You've got 30 seconds left.

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Ms. Carine Nind: All right, I hear you.

The Chair (Mr. Garfield Dunlop): It's just so you know that I'm going to cut you off again.

Ms. Carine Nind: All right.

A lot of people were nervous about using this equipment. In this building, building 241, there are 48 households. Nikola was there, and there were at least 30 of the members from that building, and he knew every one of them by first name. He patted them on the head and he did his actions that he always does, but he totally felt loved and a part of that community. That, you don't get that all the time. You really don't. I can't talk stronger.

The Chair (Mr. Garfield Dunlop): Okay. We'll now go to the Liberal caucus, okay?

Ms. Carine Nind: Okay.

Mr. Bill Mauro: Ms. Nind, do you want me to ask you a question or do you just want to keep talking?

Laughter.

Mr. Bill Mauro: That's a serious question. We caucused on this. If you want to just keep going, you can keep going. I do have a question for you but if you want to just go—

Ms. Carine Nind: Please ask me. I'd really like you to ask questions because I have been around the block a lot, you know, so do.

Mr. Bill Mauro: Stop there. All right, I will ask you one question and then you'll have plenty of time left still. I think, when you first started your presentation—and congratulations. You did a great job, especially following on the presentation from Nicole. Those were not easy shoes to fill and to follow, but congratulations, you did a good job. But when you first started you did say that when you first met with your member, John Milloy, you were opposed to the legislation?

Ms. Carine Nind: Yes.

Mr. Bill Mauro: And I'm listening and assuming you're no longer opposed.

Ms. Carine Nind: No.

Mr. Bill Mauro: So, can you tell me what your first impressions of it were and what it is that has brought you to—

Ms. Carine Nind: What, succinctly, brought me to that? Okay. I'm a long-time believer in the democratic process; in one member, one vote; in the ability to appeal; in the ability that, with enough information, members can make decisions. So when I thought of it being taken from that process—because seldom do co-ops that are running well and having good activity end up in the court system, but we had faced the court system. I then, after that, was on the COCHF board of directors and chairing difficult meetings, meetings where members were really, really up in arms with each other because they hadn't gotten enough supports in ways of learning how to deal with things in a democratic way. I recognized that it's not for the co-op that I work with; it's for the co-ops—it costs far too much, far too much.

I'm not worried about the paperwork. The fact that you have a clear process either way, where the individual has their rights heard—the other thing is it'll save them money. Most of these people would not be able to defend themselves in a payment way if they're going to the court system. It will be very easy for them to have that support if they're going to the tribunal. So I think it's more fair that way. If there are co-ops that aren't making sure they do due diligence, then that will come out.

Quite often, if it's with a lawyer, lawyers will advise the community, "You haven't done your paperwork. You should stop now rather than costing more." At least, with the tribunal, there would be a real recognition of what the error was and how to correct it and how to get the bylaws

in place or remind themselves of the bylaws—those types of things.

I hope that answered it.

The Chair (Mr. Garfield Dunlop): That covers your time. You just did a perfect job on that. Thank you.

Ms. Carine Nind: Thank you.

The Chair (Mr. Garfield Dunlop): I apologize; I do have to get five more deputants in before 3 o'clock because we can't go past 3.

Ms. Lisa MacLeod: Speaker, can I just say a point of order?

The Chair (Mr. Garfield Dunlop): Yes.

Ms. Lisa MacLeod: I came here late—this really isn't a point of order—but these are the best delegates we've ever had in committee, ever.

GOLDEN HORSESHOE CO-OPERATIVE HOUSING FEDERATION

The Chair (Mr. Garfield Dunlop): We'll now go to the Golden Horseshoe Co-operative Housing Federation, and that's Tracy Geddes. Tracy, you've got five minutes.

Ms. Tracy Geddes: Do I get to sit down first? You're not going to start right away?

The Chair (Mr. Garfield Dunlop): Oh, yes, you can sit down—

Ms. Tracy Geddes: Excellent. Good afternoon. Hi.

Mr. Steve Clark: Hi. How are you?

Ms. Tracy Geddes: I'm good. How are you? I haven't seen you in a while.

My name is Tracy Geddes and I am the manager currently at Applegrove Co-operative Homes in Hamilton. I've actually also been a member of Halam Park co-op since 1998, and I sit on the board of directors for the Golden Horseshoe Co-operative Housing Federation. So I'm going to speak to you in my capacity as Golden Horseshoe executive board member.

The Golden Horseshoe serves and represents 51 housing co-ops from Dundas to Fort Erie. We provide education for co-op members, facilitation of difficult meetings, a group buying program and many other services.

One of the services that is called upon frequently is our chairing of difficult meetings and, in this case, member appeals of eviction notices to the general membership. GHCHF, sadly, services eight to 12 eviction appeals annually, and that's in a slow year.

When a co-op member is delinquent and falls into arrears, the progression of events sees staff deal with the member to try to reach an agreement as to when and how the member will pay back arrears. We call that a repayment agreement. If this is unsuccessful, the member is then called to the board, and the board will also try to accommodate the member and work out a repayment schedule. If this is still unsuccessful, the board has little recourse but to give a notice of eviction.

Under present legislation—the Co-operative Corporations Act—the member being evicted has the right to appeal the board's decision to the general membership.

When this happens, the member's file is now open to the entire membership for scrutiny. A lot of times, these are your friends and your neighbours, so it's a bit uncomfortable. At the requested meeting, the board will state its case for eviction and the member will state their case to be allowed to stay. Questions can then be asked from the general membership. Putting one's entire file—and, a lot of the time, your life and your spending habits and whatnot—on display, and the appeal meeting itself, tends to be incredibly emotional and stressful for the member, the board, staff and the membership.

At a recent appeal meeting, chaired by the Golden Horseshoe, the member admitted to never being current with their housing charges in the entire nine years they had lived there. They had been brought through the repayment agreement process several times and were now appealing to the membership for the second time. The total amount in arrears in this second was more than \$3,400. There was an emotional presentation where the member broke into tears and could not finish her statement. Members were sympathetic to this very popular member and overturned the board's decision to evict if the member would sign another repayment agreement.

The date of that meeting was August 28 of this year. To date, the board has been unable to meet with the member to sign the repayment agreement she agreed to at the meeting. The member will not return or acknowledge calls or invitations to meet with staff or the board. Now the nine-year recurring cycle will begin again.

This is representative of many eviction scenarios that are played out in our co-op sector. Members seldom uphold an eviction order because they can sympathize and perhaps see themselves in a similar position, right? "That could be me up there." Sometimes they just like the member. Occasionally they may have issues with the board of directors themselves. Whatever the case, the co-op suffers. They are owed money that they cannot collect. They have bills to pay, units to maintain and members to satisfy.

If the membership had upheld the eviction on August 28, the co-op would now be faced with going to court to obtain an eviction order and a writ of possession to take back the unit. Fees involved in that can top over \$3,000. That's actually a conservative estimate; that's if you can get a lawyer who will do it for a flat rate and there are no additional court dates. Meanwhile, the member who is evicted will often withhold current charges and fall further into arrears, stating they need the money for their new last month's rent elsewhere.

Collection agencies cost money. The court system costs money. Potential repairs and marketing of a unit costs money. Our facilitators who chair the meetings cost money.

As a federation, we are often called upon by our member co-ops to guide them through the process, a process which could take months and end up back at the beginning to do it all over again.

Presently, the ideal scenario for a co-op is for the member being evicted to leave. We call that a midnight

move, and actually I like midnight moves in those cases. Often, this happens with no notice and over a weekend when staff is not on site. We get the phone call: "Unit 9 is leaving." When this happens, the board and staff will give a sigh of relief, knowing they will not have to go through the agonizing and costly process that we now have in place. The only worry we have is now in collecting monies owed. In my experience, midnight move units require the most work because they're leaving quickly.

The Chair (Mr. Garfield Dunlop): You've got 30 seconds. Thanks.

Ms. Tracy Geddes: Okay. Passage of Bill 14 will mean that the co-op sector can now join other forms of rental housing in having access to a system wherein housing co-ops can pursue cases of chronic late payments, arrears, RGI abuse, illegal acts and others within a shorter, less expensive time frame. It will give both parties an unbiased, fair result based on the facts and not emotion or friendship.

I thank the committee for the opportunity of presenting here today and look forward to the passage of this much-needed legislation.

The Chair (Mr. Garfield Dunlop): Thank you very much, Tracy.

Ms. Tracy Geddes: You're welcome.

The Chair (Mr. Garfield Dunlop): We'll now go the NDP caucus for questions for three minutes.

Ms. Cindy Forster: Thanks, Tracy, for being here and talking about this long-awaited bill. Can you tell me a little bit about how many evictions there have actually been in the co-op that you sit as a board member on?

Ms. Tracy Geddes: Actually, I don't sit on the board of a co-op; I sit on the board of the federation. But I manage a co-op, and I live at one.

I've been a manager for over a decade, and the one I'm at now, I've been there for three and a half years. In those three and a half years, I have had three eviction appeals; two of them were overturned. In both cases, the arrears were in excess of \$4,000. Actually, it was the same unit, so I'm thinking I just want to fill that unit with cement and move on, but in both cases, the unit, after they did eventually leave, past the eviction date, needed extensive repair.

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Ms. Cindy Forster: And the one that you live at?

Ms. Tracy Geddes: The one that I live at? Well, I've lived there since 1998. That's at Halam Park, and you'll be hearing my colleague Kathy speaking next. At least six or seven, maybe even eight—and one of them was the same member three times. But she'll tell you more about that; I don't want to jump all over her speech.

Ms. Cindy Forster: In your presentation, you did speak a bit about beefs with boards, which has been the topic of discussion by a number of presenters here today. What is your advice on how to address some of the issues that were raised earlier today?

Ms. Tracy Geddes: With regard to the personal feelings between boards and members being evicted?

Ms. Cindy Forster: Yes.

Ms. Tracy Geddes: You know, it is really difficult. If I'm sitting on a board of directors and my best friend or neighbour, whom I've been sitting on the front step having coffee with for the last six years, isn't paying their bills, and then I have to decide whether or not to evict them—if I know their personal story, I might want to vote with my heart, not my head. People forget that co-ops are a business, and our business is to provide affordable housing and maintain the units to a very livable state. We can't do that if people aren't paying, and sometimes it's hard.

Personally, I don't think that the members should have that right to vote on whether or not that person stays, especially if you're not even sitting on the board, so you don't know how many times they've come to the meetings, how many stories they've told you or how many promises they've made and broken.

Ms. Cindy Forster: Thanks. Mike?

Mr. Michael Mantha: I'm okay.

Ms. Cindy Forster: Thank you.

The Chair (Mr. Garfield Dunlop): Okay. Thank you so much. We'll now go to the Liberal caucus. Mr. Mauro?

Mr. Bill Mauro: Thank you, Mr. Chair. Ms. Geddes, thank you for your presentation. You bring at least as much, and perhaps the most, experience and perspective of most of our presenters so far, because as I—

Ms. Tracy Geddes: I'm a big co-op cheerleader.

Mr. Bill Mauro: Well, you're on the executive of the Golden Horseshoe co-op. You're in a management position as well. You also have lived in a co-op—still do live in a co-op.

Ms. Tracy Geddes: Yes.

Mr. Bill Mauro: How many years did you live as a co-op member before you were the manager, or did they happen at the same time?

Ms. Tracy Geddes: No, not at the same time, actually. I was a member of my co-op for—well, let's see. I moved in in 1998, and I've been a co-op member since 2002, so 11 years.

Mr. Bill Mauro: Yes. So you lived just as a co-op member, then you've been in management, and now you're on this executive of a broader umbrella group.

Ms. Tracy Geddes: Yes.

Mr. Bill Mauro: So I'm interested very much in your perspective. You've seen it, I would say, from just about every angle there is to see it from, so I think that gives some weight and value—everyone's opinions, obviously, have value, but you're bringing almost a three-perspective approach to this.

Ms. Tracy Geddes: Absolutely. When I first moved into my co-op, I was a single mother with two children. I was going to school, and then I was done school and couldn't find a job. The manager at the time, Kathy Dimassi, approached me and said, "You know, we can give you a subsidy to help you out."

The co-op was really there for me at that point, but for the first year that I lived in my co-op, I did absolutely

nothing. I didn't participate, I didn't go to meetings, and I didn't do anything. Actually, Kathy came to my door, knocked on the door and said, "Get your butt to the meeting," and the rest is history. I went to that first general members' meeting and absolutely fell in love with the process, with the democratic control that I had. I loved the structure, and I loved the set-up, because I had virtually no power or control anywhere else in my life, and the co-op gave that to me.

Mr. Bill Mauro: You made a comment—it was a very interesting comment—about people dealing with issues with their hearts rather than their heads, and it's understandable. I think all of us around the table here can grasp the challenge that individual members will find themselves in when they have to make a decision on someone who can be a friend—not just a member, but it could be a friend or maybe even a relative. Maybe if you could just expand on that a little bit for us?

Ms. Tracy Geddes: Certainly. I think that being able to go to the Landlord and Tenant Board makes it easier all around for the co-op sector. It makes it easier for the members, because the members really don't want to have to sit in that meeting and make that decision.

Mr. Bill Mauro: I'm running out of time, and I apologize for interrupting you, but do you think that that would be reflective—would there be broader support for that position, which is a bit severe, perhaps, in some minds?

Ms. Tracy Geddes: Sorry?

Mr. Bill Mauro: Do you think that there would be broader support among co-op members for your position about them not having any ability to make that ruling?

Ms. Tracy Geddes: Absolutely. Many times I hear, "I don't want to go to that meeting, because I don't want to know that stuff." Of course there are people who do want to know that stuff, but those are the nosy people. But by and large—

The Chair (Mr. Garfield Dunlop): We'll now go to the Conservative caucus. Mr. Clark.

Mr. Steve Clark: I just listened to her last comment and it reminded me of some of the things we do between the three parties.

Ms. Tracy Geddes: I would like to eavesdrop on that.

Mr. Steve Clark: Yes, I'm sure you would. So would a lot of people.

Ms. Lisa MacLeod: Trust me, you wouldn't.

Mr. Steve Clark: There's a long list.

Although it doesn't have anything in relation to Bill 14, it was part of your presentation and it does speak to the flavour of your co-ops, since you've got 51 units, and that's something that I hadn't heard of it was a group buying program. I'd just be interested in a little information on just what you provide to your members.

Ms. Tracy Geddes: Super quick, it's called the Cost Cutters program and it allows co-ops in the Golden Horseshoe area and actually in Toronto, CHFT, to participate in a bulk purchase. So we can make a deal with Appliance Canada and say that if all of us co-ops are going to buy from you, give us a reduced rate.

It's just another benefit of living in a co-op. You know, we get stuff like—Home Depot supplies paint—sorry, a little pressure, everything else escapes me, but I'm sure somebody else will tell you, or they'll tell me in the hall, "You forgot this and this and this."

Mr. Steve Clark: Well, you can tell us on October 1, then.

Ms. Tracy Geddes: Excellent. Yes, I'll be here October 1.

I mean, that's housing charge day, could you not have picked a better day? I have to collect my rent.

Mr. Steve Clark: Talk to Harvey and Dale. Anyways, thanks, Mr. Chair. Thank you very much.

Ms. Tracy Geddes: Thank you very much.

The Chair (Mr. Garfield Dunlop): Thank you very much, Tracy.

HALAM PARK HOUSING CO-OPERATIVE

The Chair (Mr. Garfield Dunlop): We'll now go to the Halam Park Housing Co-operative. Kathy is coming. Kathy, welcome. You have five minutes for your presentation.

Ms. Kathy Dimassi: My name is Kathy Dimassi. I am the housing administrator for Halam Park Housing Co-op. We're a 94-unit townhouse complex located on the central mountain in Hamilton. The units were built in 1955 to house Mount Hope air force base families. The co-operative was not incorporated until 1992, at which time the residents spearheaded negotiations to become a self-governing democratic body. It was one of the last rehab co-ops developed.

I have been managing the day-to-day business of the co-op for 15 years. Our co-operative is currently in the final stages of an infill expansion project, building an additional eight one-bedroom semi units to accommodate our aging-in-place members. We have a 50% split of market and rent-g geared-to-income members.

Thank you for this opportunity to make a deputation on Bill 14. I am here today speaking on behalf of the 152 members of our co-operative.

In June 2004, a member of our co-operative attended the CHF annual AGM and voted in support to begin negotiations with the Ontario government to change the eviction process. This process would better protect members' rights, help co-ops enforce bylaws their members put in place and reduce the cost of eviction for co-ops and streamline the process. We have been in support of these efforts.

An eviction is one of the most difficult and stressful moments in co-op life. They affect the entire community. We understand that not all evictions will be handled through the LTB; however, the ones that are most frequently affecting co-ops, including arrears, persistent late payments, illegal acts, wilful damage and interference with reasonable enjoyment of members will be heard. Possession of abandoned units has also been a concern at Halam Park, with members owing arrears and moving out without notice. The co-op does not have the

right to change locks and take possession without the costly expense of going through the courts to obtain a writ of possession. The LTB can reduce the time to gain possession and turn over the unit with minimal housing charge losses.

Alternatives to eviction are always discussed and include: performance agreements, reprimands, or involving mediation or involving outside organizations such as the police, mental health and social services.

Our co-operative has a strong relationship with our service manager and housing officer and, if necessary, we'll deal directly with members if concerns are raised and they feel they may not be addressed through the co-operative. We also meet frequently and have had our local MPP, Monique Taylor, attend our co-operative for social events.

Best practices in financial management are always the intent of co-operative housing providers, and many include this as part of their mission statements, as we have. However, with continual cases of evictions and the costs associated with them, it places a co-operative at risk both financially and with its service manager. With the current process, one or even two evictions per year could create deficits for the co-operative and could trigger additional reviews on their operations by service managers.

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During our last eviction in 2011, it took five months to obtain a writ of possession and have the member removed from the unit from the time the general members upheld the board decision. The total cost was \$8,600: \$5,206 were arrears and \$3,353 were legal and filing costs. During the eight years that the member lived in the co-operative, they were served notices to appear before the board 13 times for non-payment, breached seven performance agreements with the board of directors, appeared before the membership three times, and breached two performance agreements with the membership. The member was self-employed and receiving a rent-g geared-to-income subsidy. During the years of mediating payments with the member, the board and staff assisted the household in obtaining financial counselling, career and employment counselling and other financial options. The co-op has not yet recovered any costs of this eviction, and it was written off as a bad debt. The co-operative had to delay much-needed upgrades to several units during the remainder of 2012 due to the loss of this operating income.

The negative impact of even the very few evictions that have been done in our community has created a culture of non-payment or late payment of housing charges since members understand it is so costly to the co-op to evict.

The LTB process will be fairer for the co-operative by providing quicker hearings on cases and a decrease in legal fees and the loss of housing charges not paid while they are being heard.

We believe the process will not only be fairer and simpler for the co-operative but for members as well. Most members are unable to retain counsel to attend

court and have to represent themselves, but with this system they will be able to get legal aid or other representation. The courts, in many cases, defer the decision to the board, and the case is decided on procedural correctness.

The Chair (Mr. Garfield Dunlop): You have about 30 seconds.

Ms. Kathy Dimassi: With an LTB adjudicator, the cases will be decided on their merit.

I understand that Bill 14 has support from all parties; therefore, it is a priority for our co-operative that this bill be passed quickly. Continued delays would cost both our co-op and many others money that we cannot afford.

In closing, I want to thank the members of the committee for giving me the opportunity to express my views today. I would be pleased to answer any questions.

The Chair (Mr. Garfield Dunlop): Thank you very much. We'll now go to the Liberal caucus for three minutes of questioning. Mr. Mauro?

Mr. Bill Mauro: Thank you, Mr. Chair. Ms. Dimassi, thank you for your presentation and your comments today. I appreciate you being here.

Your co-op—did you say it was originally built in 1955?

Ms. Kathy Dimassi: The actual buildings were built in 1955, but it did not become a co-operative until we incorporated in 1992. But we did the renovations in 1996 and 1997. It was owned by the air force base to begin with; then it transferred hands three times to other non-profit organizations before the purchase was done.

Mr. Bill Mauro: What kind of shape was the housing stock in when you received it?

Ms. Kathy Dimassi: Of 94 units, there were only 33 that were inhabitable at the time, so there were only 33 families left. The rest of the buildings had been all boarded up.

Mr. Bill Mauro: So you have put them back into service? You had to retrofit those boarded-up units.

Ms. Kathy Dimassi: Yes, we did.

Mr. Bill Mauro: So you have the original—was it 91?

Ms. Kathy Dimassi: Ninety-four.

Mr. Bill Mauro: Ninety-four units.

Ms. Kathy Dimassi: Actually, we had 95 units, but one of the two-bedroom units we made into our office so that we could be there on-site.

Mr. Bill Mauro: Did I hear you say that you are constructing a new building now for the people who have lived in your co-op and who are now getting older and need some kind of other housing?

Ms. Kathy Dimassi: Yes. What we're doing is we have four areas in our co-operative where we're placing semi units—one-bedroom semi units in four different locations. We have seven and a half acres of land, so we've got those areas designated to put the new units.

Mr. Bill Mauro: So that will be additional accommodation? It's not taking existing co-op units off-line to—

Ms. Kathy Dimassi: No, it's additional housing. We have two-, three- and four-bedrooms. Now we'll have one-bedrooms, so the people who are over-housed—

Mr. Bill Mauro: How many are you building?

Ms. Kathy Dimassi: Pardon?

Mr. Bill Mauro: How many are you building?

Ms. Kathy Dimassi: Eight.

Mr. Bill Mauro: Eight. So the money is coming through—now, what does Hamilton have? Do you have a DSSAB? Do you have a CSM through which your housing money flows?

Ms. Kathy Dimassi: The subsidy comes through the city of Hamilton.

Mr. Bill Mauro: So the city of Hamilton is the consolidated service manager for the social housing portfolio.

Ms. Kathy Dimassi: Yes.

Mr. Bill Mauro: Okay. And they're funding, in its entirety, the cost of your new build?

Ms. Kathy Dimassi: No. They gave us \$500,000 towards it from the programs that they have available.

Mr. Bill Mauro: Right.

Ms. Kathy Dimassi: The rest of the money is being funded through the actual co-op. We're using our surplus to fund part of it, and we're taking out a small unrestricted loan for the remaining amount and paying that back. Because we're unable to sever the land because of ministerial consent, we're unable to build the actual—originally, we wanted to do a 28-unit one-bedroom complex, but we're unable to do that, so we've scaled down the decision. With the support of the city of Hamilton, we've been able to do the eight-unit infill.

Mr. Bill Mauro: So you've—

The Chair (Mr. Garfield Dunlop): Okay, that's your time.

We're now going to the Progressive Conservative caucus.

Mr. Steve Clark: I may just continue that. What was the final cost of the eight-unit expansion?

Ms. Kathy Dimassi: It was just over \$1 million.

Mr. Steve Clark: Just over \$1 million. You said 28 was your actual request?

Ms. Kathy Dimassi: Our original request—we wanted to build a three- to four-storey complex, which would have displaced a couple of units. We would have had to remove four of the townhouses that we have right now. Unfortunately, we couldn't do that project, so we reduced the project down to eight semis because we could do it within our own property and we wouldn't have to do the ministerial consent process.

Mr. Steve Clark: How much vacant land do you have left on the site after the expansion?

Ms. Kathy Dimassi: We still have seven and a half acres. The actual areas of the land that we are putting the buildings on are unused areas that we have seating and bushes on right now. So we're moving the seating and bush area and putting the buildings there. It's not affecting any of the common areas that we already currently have.

Mr. Steve Clark: Okay. You mentioned possession of abandoned units as being a concern of your co-op, with members owing arrears and moving out without notice.

Any total cost in the last 10 years that that's cost the co-op?

Ms. Kathy Dimassi: We just recently had two over the summertime, where the people just abandoned the units and left. I'm tallying up the total for the one particular unit to be able to go to court with it. Right now, it's about \$12,000 for one unit, to go in, to remove all the possessions that were left, to clean it, to do all the repairs.

Mr. Steve Clark: Thanks very much for your presentation.

Ms. Kathy Dimassi: You're welcome.

The Chair (Mr. Garfield Dunlop): Okay. Thanks. Is that it, Steve?

Mr. Steve Clark: Yes, that's it for me.

The Chair (Mr. Garfield Dunlop): Now we'll go to the NDP caucus.

Mr. Michael Mantha: You mentioned quite a few times in your presentation the relationship that you have with the service manager in the area. Could you elaborate? I want to relate that to the earlier comments and the concerns that the earlier presenters had made. I just want to get a little bit more of a relationship role that the board has or even the members have with that area manager.

Ms. Kathy Dimassi: I know that different municipalities have different relationships. Hamilton has been extremely lucky for our housing co-ops to have a very good, strong relationship with the city of Hamilton housing department. They have always been there to consult with co-ops as well as non-profits. During any process that's done in the city of Hamilton, we're asked individually to sit on teams to discuss problems that are within our area. We have, currently, five different working teams right now; one of them is evictions, which I sit on, as well as over-housed issues and aging-in-place issues. The city has a very strong support of their housing providers, wanting to make sure that their voice is heard and to take those comments and the information—because we're the ones who are working day to day with the situation—to see what kind of recommendations we can help with to provide the solutions to problems that are arising in our community.

We work very closely with the city of Hamilton. The members do have the actual telephone numbers of our housing officers, so if they have a question, they can contact the housing officer and they can actually go down and meet with them and show them information, ask questions and see if we're doing things procedurally, following our bylaws and things like that.

Mr. Michael Mantha: Thank you.

Ms. Kathy Dimassi: You're welcome.

The Chair (Mr. Garfield Dunlop): Thank you very much, Kathy, for your presentation today.

ADVOCACY CENTRE FOR TENANTS ONTARIO

The Chair (Mr. Garfield Dunlop): We'll now move on to the Advocacy Centre for Tenants Ontario: Mr. Kenn Hale. Mr. Hale, you have five minutes, please.

Mr. Kenn Hale: Good afternoon, Mr. Chair and members of the committee. Thanks for giving us the chance to speak.

I'm appearing on behalf of the Advocacy Centre for Tenants Ontario, a community legal clinic with the mandate to advocate for justice in housing. Part of that mandate is to ensure that the Landlord and Tenant Board operates in a way that promotes fairness and accessibility to justice. We believe that Bill 14 actually accomplishes that at the board, and we urge the members of this committee to recommend that it be supported by all the members of the Legislature and that it be enacted without further delay. But we will be living with this law for a long time, and it needs to be changed in a few places to accomplish its purpose.

First, I'd like to focus on the good parts. We're particularly pleased that the bill includes clear authority for the Landlord and Tenant Board to waive fees for low-income people. This is a power that the courts have had since 2005 and is long overdue at the board. These filing fees can create a barrier to justice for low-income people, and when the issue involves losing your home or ensuring that your home is fit to live in, we can't shut out people just because they can't afford \$45 or \$50. We'd like to thank Attorney General John Gerretsen for fulfilling his promise to address this concern.

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Most of the bill is about non-profit co-operative housing. This is a form of housing that has proven its worth in meeting the needs of low- and moderate-income people, decade after decade. It has promoted the building of healthy, mixed-income communities that support inclusive and democratic decision-making. The retreat of governments from funding housing co-ops and the ongoing threats to their future viability demonstrate a major failure of public policy, in our opinion.

But as we all realize sooner or later, democratic decision-making is not perfect. We have to build institutions that constrain the ability of majorities to crush minority rights, and we have to limit the ability of individuals to put those collective rights in peril. The courts play that role in many areas of life. The Landlord and Tenant Board is another one of those institutions.

We have come to agree that the board can better play this role for co-op housing disputes. But for some reason, the government's bill proposes that we hold on to some of those dysfunctional court roles. We urge the committee to recommend that co-op housing go all the way with the Landlord and Tenant Board. It's time to move away from court applications and leave the courts to carry out only their supervisory role of hearing appeals from the Landlord and Tenant Board orders. This would require three sets of changes, all of which can be easily accomplished within the framework of the bill as drafted.

First, all applications for evictions from co-ops should be dealt with by the Landlord and Tenant Board. There's no need to retain the co-ops' ability to seek eviction from a superior court as provided for in section 9. The grounds for eviction provided for in section 31 cover any conceiv-

able reason why someone should be ordered to leave their home and their community.

Secondly, co-op members suffer from disrepair, harassment and interference with the enjoyment of their premises in the same way that tenants do and must be allowed to seek remedies at the board. We know that these problems are much less prevalent in co-ops than in comparable rental buildings. But the problems are still there, and the only remedies available to co-op members for these matters are through the courts. Tenant applications form a small but important part of the workload of the Landlord and Tenant Board. Why should co-op members be prohibited from addressing those problems at the board?

Finally, the Legislature made a mistake when they enacted the Residential Tenancies Act when they prevented the board from correcting mistakes that non-profit housing providers make about tenants' rents. This leaves the ultimate rent determination decision in the hands of the courts, by way of judicial review of housing providers' decisions. Bill 14 proposes to compound that mistake by extending it to non-profit co-ops. Co-ops deserve to be treated the same way as other non-profit housing providers at the board, but tenants and co-op members facing eviction for non-payment should have the opportunity to demonstrate to the board that the amount of money claimed to support the eviction was not calculated correctly. A new section 203, as proposed in our written brief, would accomplish that.

This change should be adopted to honour the memory of Al Gosling. He died as the result of an unfair eviction granted by the Landlord and Tenant Board that could not look behind the improperly calculated rent that was far beyond his means to pay. The city of Toronto's recent Ombudsman report on the eviction of seniors by Toronto Community Housing shows that this problem continues. This is your opportunity to prevent those evictions.

The Chair (Mr. Garfield Dunlop): You have 30 seconds, sir.

Mr. Kenn Hale: With these changes, we believe the bill will strengthen co-op communities and protect the vulnerable people who are among their members. I understand that a number of these concerns were raised by previous deputants and that there are letters from community organizations and legal clinics that support the changes we're asking for. We ask that they be given serious consideration.

Thank you very much.

The Chair (Mr. Garfield Dunlop): Thank you so much. We'll now go to the PC caucus for their comments or questions. Three minutes.

Mr. Steve Clark: Thanks, Kenn, for your presentation. We've met on your changes briefly. I guess one of the things that I'm having trouble with, and I mentioned it earlier, I think before you were here, is that we've had this co-op bill before the Legislature—this is the third time now over a number of years. There are issues with the Landlord and Tenant Board. You have issues that you've come and spoken to all three parties about when it

comes to the Landlord and Tenant Board. Other groups that represent the other side, landlords, have come and indicated there are issues with the Landlord and Tenant Board. I don't know why, in a minority Parliament, we can't separate those from these disputes of tenure and have that type of discussion. I know perhaps the government, and the Ministry of Municipal Affairs specifically, may not want to do that, but I think there are a lot of issues and we can't put our heads in the sand and not want to talk about them.

I did say in the House, when this bill was first introduced, that maybe we should have hearings—not just one day like we're having here today, but multiple days—if we're going to get into the issues with the Landlord and Tenant Board. With all due respect, I know that the majority of deputants are only talking about Bill 14 and the issues within the co-ops, and some of your amendments and some of your ideas that you've talked about are specifically on the board. I just think it's time for us to move forward with this bill and to have that discussion with co-ops and with landlords and tenants across the province. Personally, I think they're two separate things, but that's just my comment, Mr. Chair.

The Chair (Mr. Garfield Dunlop): Did you want to respond to that?

Mr. Kenn Hale: Is it a problem with the legislation or—I'm not sure the problems are all with the legislation. We have been working hard over the years to try to make sure that training at the Landlord and Tenant Board is as good as it can be, that the government has an accountable and high-quality appointment process to make sure the right people get on the Landlord and Tenant Board. Those are the areas where I believe it's important for co-ops and for tenants that we do some work on the Landlord and Tenant Board. Having a wholesale reopening of it—I'm not sure we need that at this point. But if there is, we will be there, I can assure you.

The Chair (Mr. Garfield Dunlop): We'll go to the NDP caucus. Cindy?

Ms. Cindy Forster: Thanks, Kenn, for being here today and talking about this particular bill. But I'd like you to actually spend my three minutes or my colleague's three minutes taking us through the issue of the Justice LeSage decision relating to Mr. Gosling's eviction so that we're all clear about what you're trying to achieve by proposing an amendment.

Mr. Kenn Hale: All right. Al Gosling was an older gentleman. He'd been long retired. He was receiving a fixed income that had not changed significantly year after year. He was required by the rules of the Toronto Community Housing Corp. to report his income annually so that they could ensure that he continued to be eligible for a subsidy. He failed to do that and he didn't send his forms in. It appears that the efforts that Toronto Community Housing made to contact him weren't really sufficient to get in touch with him and to find out what everybody probably knew: that his income was the same.

Because they didn't get those papers and because he didn't respond in the way they wanted him to, they

decided to raise his rent to the market rent. So he went from a couple of hundred dollars to—I don't know. His rent went probably beyond what his total income was. When he was unable to pay that or didn't pay that, Toronto Community Housing went to the Landlord and Tenant Board and sought an eviction based on that high market rent.

He came to the Landlord and Tenant Board and tried to sort things out with them, but ultimately they said, "We can't do anything about this rent amount. Section 203 of the act says we can't review decisions about subsidies. So if TCHC says your rent is \$900, it's \$900. I don't care if you've been paying \$300 for the previous 10 years; it's \$900 now. Go back to them and try to sort it out."

He presumably went back to them to try to sort it out but it didn't work. The board had granted the eviction order at that time and told him that he could come back and review it if he wanted, but by that point he was deep down the rabbit hole. Eventually, he was evicted, and as a result died in hospital from living under the stairwell for a couple of months.

If the board had been able at his hearing to look at, "Well, he shouldn't be paying \$900. We can hear his evidence and determine that, really, he should only be paying \$300," then they may have been able to save his tenancy and consequently save his life. That's the kind of change that we're asking.

I really, still, after all these years, cannot understand why the Legislature decided that the Landlord and Tenant Board couldn't make those rent decisions. They're not setting the rents; they're just making sure that the rules that are in place are followed, whether by the co-op or by TCHC or whoever gives out the subsidies.

1420

Ms. Cindy Forster: So the actual—

The Chair (Mr. Garfield Dunlop): Thank you. The time's up on that one.

Ms. Cindy Forster: Okay.

The Chair (Mr. Garfield Dunlop): Thanks so much. Now we'll go to the Liberal caucus. Mr. Mauro?

Mr. Bill Mauro: Thank you, Mr. Chair. Mr. Hale, thank you for your comments. My question was going to be exactly the same as Ms. Forster's. I think your answer has helped me to understand a little bit what happened in the case of Mr. Gosling. Now, he was in Toronto Community Housing, but not in a co-op.

Mr. Kenn Hale: No.

Mr. Bill Mauro: He was in a tenancy arrangement—

Mr. Kenn Hale: This bill is proposing that that prohibition be extended to co-ops, the prohibition of the board looking at the subsidy calculation, and that's to keep—

Mr. Bill Mauro: So give me a bit more detail, then, on what that prohibition is. I think I heard you say the amount of money that is deemed to be the issue is somehow not allowed to be reviewed by the Landlord and Tenant Board. They don't deal with the subsidy piece or

the—the money comes; that's it. They don't do any review about the accuracy of the amount.

Mr. Kenn Hale: They can't determine whether the amount of subsidy that he's getting is correct or the amount of rent-geared-to-income is correct.

Mr. Bill Mauro: Well, they could determine it, but you're saying they don't have the purview or the authority—

Mr. Kenn Hale: They're explicitly prohibited by section 203 of the Residential Tenancies Act, and Bill 14 proposes that co-ops be treated the same as other non-profit housing providers and proposes to extend that prohibition to co-ops as well.

Mr. Bill Mauro: Which section of Bill 14 deals with that?

Interjection: It's right here: section 46.

Mr. Kenn Hale: Section 46.

Mr. Bill Mauro: Okay. That's wonderful. Thank you very much for that.

Mr. Kenn Hale: But I would just say that we're worried about—we don't think that just removing the section is going to work. Section 203 was put in when we changed from the Tenant Protection Act to the Residential Tenancies Act. There was the Conservatives' law, and then the Liberals brought in the tenant protection act, brought in this new section. Under the Conservatives' law, half the members of the rental housing tribunal said they had authority to deal with this; the other half said they didn't. So it was ambiguous. The government came down on one side. We think they came down on the wrong side. We'd like to make it clear that they have that power, because it's so related to all the other powers that they're exercising.

The Chair (Mr. Garfield Dunlop): Okay. Thank you very much, Mr. Hale, for your time this afternoon.

Mr. Kenn Hale: Thank you.

PHOENIX HOUSING CO-OPERATIVE INC.

The Chair (Mr. Garfield Dunlop): We'll now go to the Phoenix Housing Co-operative: Tanya Taylor-Caron. You have five minutes, Tanya. Welcome.

Ms. Tanya Taylor-Caron: I'll be short.

My name's Tanya. I'm with Phoenix Housing Co-operative in London. Our co-op consists of 60 units. They're all family co-ops, townhomes; 10 are subsidized.

Recently, Phoenix went through an eviction process that took over a year and a half and cost Phoenix, just this one eviction, \$18,000 in legal fees. In the past three years, the co-op has spent over \$37,000 in legal fees to evict three members.

That money, we think, could be spent elsewhere in capital reserve projects. We needed a new roof, and instead of putting the money into that, we had to get a loan to get the new roof.

These evictions should have been fairly easy, I would think. I'm hoping that, with the passing of Bill 14, the process will be easier for us and for the members involved.

That's it. That's all I had to say.

The Chair (Mr. Garfield Dunlop): Oh, okay. Thanks, Tanya.

We'll now go to the NDP caucus for comments and questions. You have three minutes.

Ms. Cindy Forster: Hi, there. Thanks for being here today. How long have you been actually kind of involved with your co-op?

Ms. Tanya Taylor-Caron: Three years.

Ms. Cindy Forster: Three years. And your position is—

Ms. Tanya Taylor-Caron: I am the office coordinator/manager.

Ms. Cindy Forster: And how many evictions have there been in this—

Ms. Tanya Taylor-Caron: Five evictions in three years.

Ms. Cindy Forster: Five evictions in three years, at a cost of—

Ms. Tanya Taylor-Caron: Well, there are three that went to court: \$37,000.

Ms. Cindy Forster: Yes, \$37,000. So you're fully in support of making this amendment to move from the court system to the landlord tribunal system.

Ms. Tanya Taylor-Caron: I think a mediation of any kind is good. I noticed even when I went through the eviction the last time, with the member who went, she had no one helping her. I actually felt bad just because—I mean, we were on the other side, but we had two lawyers and myself, and she had no one. She didn't understand what the judge was telling her. I mean, we had a right to do what we were doing, but it would have been nicer if she had more guidance, and I think this bill would help that.

Ms. Cindy Forster: And she wasn't able to obtain any representation through community legal aid?

Ms. Tanya Taylor-Caron: No. I don't know why.

Ms. Cindy Forster: Because those budgets have been cut, perhaps?

Ms. Tanya Taylor-Caron: Yes, maybe. She was on her own.

Ms. Cindy Forster: Okay, thank you very much.

The Chair (Mr. Garfield Dunlop): Okay, we'll go to the Liberal caucus. Mr. Mauro.

Mr. Bill Mauro: Thank you for your presentation. How many units are in your—

Ms. Tanya Taylor-Caron: Sixty units.

Mr. Bill Mauro: Sixty units. What did you say your arrears costs were?

Ms. Tanya Taylor-Caron: Sorry?

Mr. Bill Mauro: Your eviction costs; I'm sorry.

Ms. Tanya Taylor-Caron: Oh, legal fees were \$37,000.

Mr. Bill Mauro: And that was three years, three evictions, one year?

Ms. Tanya Taylor-Caron: Three years, three evictions that went to court.

Mr. Bill Mauro: Okay, so we say \$12,000 a year. What's your total budget?

Ms. Tanya Taylor-Caron: We have \$20,000 in our budget right now for professional legal fees.

Mr. Bill Mauro: No, your annual budget to run the co-op.

Ms. Tanya Taylor-Caron: For operating or for—

Mr. Bill Mauro: Not capital, operating.

Ms. Tanya Taylor-Caron: I don't even know, to be honest with you—not off the top of my head.

Mr. Bill Mauro: Okay, but would it be fair to say that \$12,000 is a significant amount of money to you?

Ms. Tanya Taylor-Caron: It's a big amount for us, for sure.

Mr. Bill Mauro: Are there other costs related to issues with tenancy that are not contained in that \$12,000 budget—or loss of \$37,000?

Ms. Tanya Taylor-Caron: Is there other—sorry?

Mr. Bill Mauro: For example, you're giving us costs associated with evictions—

Ms. Tanya Taylor-Caron: Oh, yes.

Mr. Bill Mauro: —but I'm asking you about rent that you've just not been able to recoup because the system doesn't allow you to act on it in a quick manner. We're usually just hearing about costs associated with evictions, but I don't think any of the presenters have talked to us about that number. So would you have a guess? It's probably a bit unfair, but is it fair to say there is money that's lost as revenue from people just—

Ms. Tanya Taylor-Caron: Absolutely, because while we're fighting this, they're not paying, so they go into arrears. You can't really get the money back for that. Then they move out; they leave the place. We've had to do major renovations after someone has moved out.

Mr. Bill Mauro: I guess what I'm trying to drill down to is you have other tenants, beyond the ones who you go through the eviction process with currently, who just leave you with arrears, and you don't even have an opportunity to deal with it through the eviction process.

Ms. Tanya Taylor-Caron: Absolutely.

Mr. Bill Mauro: And that amount of money would be—it's hard to say on a year-by-year basis, but we would add that to this \$37,000 over the three years for sure.

So the point I'm trying to get to is, does this new process, as it's contained in Bill 14, allow you an opportunity to address that as well as your eviction costs?

Ms. Tanya Taylor-Caron: I think so. I mean, from what I can tell so far, yes.

Mr. Bill Mauro: Thank you.

Mr. Chair.

The Chair (Mr. Garfield Dunlop): Thank you very much, Bill.

And now to the PC caucus. Mr. Clark.

Mr. Steve Clark: Thanks very much for your presentation. Can you help me out? It just seems to be you're—over the last three years, \$37,000. They've all seemed very lengthy, in terms of you—

Ms. Tanya Taylor-Caron: Yes.

Mr. Steve Clark: We've had some people here this afternoon talk about a three-month process, a four-month

process. Help me out with these three cases in your co-op.

Ms. Tanya Taylor-Caron: I really don't know why they were so lengthy. I mean, the president at the time dealt with it quite closely with the lawyer, and he liked to have meetings and talk about it, but it kept getting remanded.

I don't know why it took so long, especially for the one in particular, because that was a quite costly one. It took over a year and a half. She was in arrears. She was constantly late. There were performance agreements. I'm not actually sure why it has cost so much—

Mr. Steve Clark: Because to me, a 60-unit facility with that type of money on an annual basis, because you've had—the last one was I think you said a year-and-a-half process, \$18,000. That's some significant monies that could have been put back into the co-op for other uses. What have you had to delay because of this cost?

Ms. Tanya Taylor-Caron: The last eviction, they wanted her out. There were two major court dates, and they wanted her to reapply, and then we had to go back again. The one court date—I mean, we had two lawyers for eight hours. We were the last ones heard; it was after lunch, but you had to sit there the whole time. I don't know really what the major costs were other than the president involved liked to go into great detail with the lawyer and make sure that everything was done. We were well prepared, and like I said, I felt almost bad for the lady who was getting evicted, just because we were very well prepared.

Mr. Steve Clark: You said they were all family units, so they're all two-bedroom units?

Ms. Tanya Taylor-Caron: Three-bedroom—all three-bedroom units.

Mr. Steve Clark: All three-bedroom units. Okay. Well, thank you very much for coming and telling your story.

Ms. Tanya Taylor-Caron: Thanks.

Mr. Steve Clark: We really appreciated it.

Ms. Tanya Taylor-Caron: Thanks.

The Chair (Mr. Garfield Dunlop): Thank you very much, Tanya.

Now, to the committee and to the audience: Our next deputant is not here yet, and we have to give her to at least 2:45 before she appears. This clock is a little bit fast—a couple of minutes, according to the House calendar. If Angela Best-Longhurst is not here by 2:45, we will go to the next—

The Clerk of the Committee (Mr. Trevor Day): The Co-operative Housing Federation of Toronto.

The Chair (Mr. Garfield Dunlop): What is it again?

The Clerk of the Committee (Mr. Trevor Day): The Co-operative Housing Federation of Toronto.

1430

The Chair (Mr. Garfield Dunlop): The Co-operative Housing Federation of Toronto was the first on the waiting list, so in the meantime we have about five minutes. Is there any other business the committee would like to bring up at this point?

Mr. Steve Clark: I propose that, because of what happened at the last committee meeting, I would like a motion tabled regarding Bill 70 that's before this committee. I've circulated the motion. I am quite prepared to read it into the record at this time.

The Chair (Mr. Garfield Dunlop): Okay. We'll allow that now. If there is a debate on—

Mr. Steve Clark: I understand that, if the deputant comes, we'll suspend discussion.

The Chair (Mr. Garfield Dunlop): Yes. Okay.

Mr. Steve Clark: I understand that.

The Chair (Mr. Garfield Dunlop): All right. Read your motion.

Mr. Steve Clark: Thank you, Chair. I move that the Clerk, in consultation with the Chair, be authorized to arrange the following with regard to Bill 70, the Regulated Health Professions Amendment Act (Spousal Exception), 2013;

(1) One day of public hearings and one day of clause-by-clause consideration when the committee next meets during its regularly scheduled meeting times, upon reference of Bill 14 to the House for third reading;

(2) Advertisement on the Ontario parliamentary channel, the committee's website and the Canada NewsWire;

(3) That witnesses be scheduled on a first-come, first-served basis;

(4) Each witness will receive up to five minutes for their presentation, followed by nine minutes for questions from committee members;

(5) The deadline for written submissions is 3 p.m. on the day of public hearings;

(6) That the research officer provide a summary of the presentations by Monday morning of the following week;

(7) The deadline for filing amendments with the Clerk of the Committee be 12 noon on the day preceding clause-by-clause consideration of the bill.

The Chair (Mr. Garfield Dunlop): We've heard Mr. Clark's motion. We have a—

Interjections.

The Chair (Mr. Garfield Dunlop): Excuse me? Pardon?

Mr. Bas Balkissoon: I have an amendment.

The Chair (Mr. Garfield Dunlop): Okay, we have an amendment to the motion. Mr. Balkissoon?

Mr. Bas Balkissoon: I'll read it. I move that the below wording be added to the end of the motion:

Following completion of the committee's consideration of Bill 70, the Regulated Health Professions Amendment Act (Spousal Exception), 2013, the Clerk, in consultation with the Chair, be authorized to arrange the following with regard to Bill 55, Stronger Protection for Ontario Consumers Act, 2013:

(1) Two days of public hearings and two days of clause-by-clause consideration when the committee next meets, during its regularly scheduled meeting times;

(2) Advertisement on the Ontario parliamentary channel, the committee's website and the Canada NewsWire;

(3) That witnesses be scheduled on a first-come, first-served basis;

(4) That each witness will receive up to five minutes for their presentation, followed by nine minutes for questions from committee members;

(5) That the deadline for written submissions is 3 p.m. on the second day of public hearings;

(6) That the research officer provides a summary of the presentations by Monday morning of the week following the second day of public hearings; and

(7) The deadline for filing amendments with the Clerk of the Committee be noon on the day preceding the first day of clause-by-clause consideration of the bill.

The Chair (Mr. Garfield Dunlop): So, debate on this? We are now going to debate the amendment first. Any questions?

Ms. Lisa MacLeod: Yes. I just want some clarification from Mr. Balkissoon. Just to confirm that we would be dealing with Bill 70 first—

Mr. Bas Balkissoon: First.

Ms. Lisa MacLeod: —then Bill 55 after that?

Mr. Bas Balkissoon: Yes.

Ms. Lisa MacLeod: I'm happy to look at my colleague, who is the author of Bill 70. Thank you.

The Chair (Mr. Garfield Dunlop): Okay. Cindy?

Ms. Cindy Forster: Question: We also have the FAO here.

Mr. Bas Balkissoon: That one is ordered with dates and times.

Ms. Cindy Forster: That's ordered with dates and times. Are there any other bills, actually, that have been referred here at this point?

Ms. Lisa MacLeod: Yes. Not by order of the House, but we do have private members' business.

The Chair (Mr. Garfield Dunlop): Yes.

Ms. Cindy Forster: Private members' business on—

Ms. Lisa MacLeod: We have a legislated wage freeze, I believe.

The Chair (Mr. Garfield Dunlop): I'd have to come up with a list. I believe there are a couple more, at least.

Ms. Cindy Forster: I'd like an opportunity to have a look at those, to see what they are and what has been referred before I make a decision on who's going first—to have the opportunity to at least prioritize.

Ms. Lisa MacLeod: Do we have that list?

The Chair (Mr. Garfield Dunlop): Can you just give us a moment, and we can probably get that. Any other questions on that amendment?

Just give us a moment. We think we can add that to it. I had them yesterday, and I just can't recall them right now.

Interruption.

The Chair (Mr. Garfield Dunlop): You can't speak at this time, sir. We've got another person ahead of you at 2:45.

The Clerk of the Committee (Mr. Trevor Day): Bills before the committee: Bill 5, Comprehensive Public Sector Compensation Freeze Act, 2013; Bill 14, this bill; Bill 16, Municipal Amendment Act (Election of Chair of

York Region), 2013; Bill 49, Protecting Employees' Tips Act, 2013; Bill 50, Pooled Registered Pension Plans Act, 2013; Bill 55, Stronger Protection for Ontario Consumers Act, 2013; Bill 70, Regulated Health Professions Amendment Act (Spousal Exception), 2013. That's what's before the committee right now.

The Chair (Mr. Garfield Dunlop): Okay. So we've got a motion for 70, then 55.

Mr. Bas Balkissoon: Which is the government bill that we voted on yesterday.

The Chair (Mr. Garfield Dunlop): We voted on it yesterday, yes.

Ms. Cindy Forster: Right.

The Chair (Mr. Garfield Dunlop): Any other questions on the amendment?

Ms. Cindy Forster: I'd like to move a deferral until I have an opportunity to have a look at these bills and decide—

Mr. Bas Balkissoon: Bill 55? That's what we voted on yesterday, about consumer protection for furnaces—

Ms. Cindy Forster: I realize that, but there's a whole list of bills that are there. So I'd like an opportunity to at least have a discussion about what our position would be with respect to which bills should go first.

The Chair (Mr. Garfield Dunlop): If the committee agrees to defer it, we can defer it. If the committee does not want to, if you want to go to 55 and 70, we'll vote on the amendment first and then on—

Mr. Steve Clark: Bill 70 has been deferred since June.

Ms. Lisa MacLeod: We'd like to vote on the amendment.

Mr. Bas Balkissoon: And 55 has been debated, and all parties agree on 55. That's why I'm pushing it forward: to get it over with.

Ms. Lisa MacLeod: The official opposition would like to vote on the amendment.

The Chair (Mr. Garfield Dunlop): Okay, so we're going to vote on the amendment, then. All—

The Clerk of the Committee (Mr. Trevor Day): Wait, wait. Stop. It is a dilatory motion. It can be voted on in committee right now. The ability to postpone consideration, if Ms. Forster is moving that, is something we would have to vote on right now.

The Chair (Mr. Garfield Dunlop): Okay, so Ms. Forster is calling for a deferral.

The Clerk of the Committee (Mr. Trevor Day): Deferring business.

The Chair (Mr. Garfield Dunlop): Any other comments on that?

Ms. Cindy Forster: No.

The Chair (Mr. Garfield Dunlop): All in favour of Ms. Forster's deferral? Opposed to Ms. Forster's deferral? The deferral is lost.

Any further debate on the amendment? All in favour of the amendment? Opposed to the amendment? The amendment is carried.

Now the main motion, as amended: All in favour? Those opposed? Mr. Clark's motion carries.

The Chair (Mr. Garfield Dunlop): Is Ms. Angela Best-Longhurst here? We're going to take a five-minute recess, ladies and gentlemen. Don't go very far: just a five-minute recess because we have another group that's planned to go here.

The committee recessed from 1439 to 1445.

CO-OPERATIVE HOUSING FEDERATION OF TORONTO

The Chair (Mr. Garfield Dunlop): Okay, thank you very much, everyone. Ms. Longhurst didn't appear, so we'll go to the next person on our list. It's Angela Collins—

The Clerk of the Committee (Mr. Trevor Day): Judith Collins.

The Chair (Mr. Garfield Dunlop): Sorry, Judith Collins, from the Co-operative Housing Federation of Toronto. Judith, you have five minutes. Please proceed.

Ms. Judith Collins: Thank you for having me here at this hearing on Bill 14. My name is Judith Collins and I'm here representing the Co-op Housing Federation of Toronto. That's the organization that represents about 170 housing co-operatives in Toronto and York region. That represents about 45,000 people. Our organization, the Co-op Housing Federation of Toronto, also developed housing co-ops. We developed 57 housing co-ops under former housing programs. We also have a charitable foundation called the Diversity Scholarship Program that was founded in 2004, and that program provides scholarships to youth going to post-secondary education. We're very proud of that program. Over the years, since 2004, over 200 youth in co-ops have received diversity scholarships, and over \$1 million has been awarded to those 200 students. So we're a very active organization.

My job there is an adviser of member services. I'm a front-line person with the housing co-ops. I will chair board meetings. I will chair member meetings, offer financial advice, work with co-ops, provide education or training or coordinate those kinds of things. So that's my job.

I also lived in a housing co-operative for 22 years: Riverdale housing co-op, in the east end of Toronto. There I was on the board of directors, actively involved. I appreciated the opportunity that the housing co-operative movement gave me to have a stable and secure place for myself and my family to grow up in.

In my work with co-ops, since we're talking about Bill 14—and one of the key areas of eventual eviction is often arrears. Often with my work in housing co-ops, I'm out there when things are not great. Sometimes I say, "If I'm coming to the co-op, it's not good news." That being said, co-ops struggle to get back on track with things like arrears when they've gone too high. Some of the reasons they've gone too high are that maybe there has been some weak governance; maybe there has been some poor management. But whatever; the job is to get it back on track. To do that, it's a multi-level approach with the co-

op housing board and with the members, including getting people back on track to start having them at least start paying their current housing charge, regardless of what they owe, because sometimes these amounts are quite high. But if the co-op has been somewhat to blame in not being rigorous enough in preventive arrears processes, the board doesn't like to take the approach that, "Now you all have to leave." So it's a longer approach to turn that situation around, but it does involve bringing people back to the board and making maybe conditional eviction decisions, which is often the case. Particularly if there's a new board and they have to see the households, they still want to give people one more chance to try to turn that around. Often, that means the co-op will go into longer repayment agreements, provided that the member will at least be able to meet the current monthly charge so that things don't get any worse.

Along with that, there's also an education piece with arrears, and I think this is part of where this important member control comes in with housing co-ops, because often, the procedures haven't been as good as they should have been. Sometimes I take a new arrears bylaw to the members of housing co-ops, and generally members of housing co-ops, even though there may be 25% of that co-op who are not in compliance and paying their regular monthly housing charge—most people will still say, "We need to do a lot better. We don't want to lose our homes. We need to do more maintenance. We're going to pass this bylaw that has stronger procedures in it, and then we want the board to follow it." So that's an example of member control, how co-ops take this decision-making to heart at the level of all the members, and then direct the board to say, "Now go ahead and follow these processes, and let's see if we can't be in a better place in a year or so."

The Chair (Mr. Garfield Dunlop): You're just about out of time, but make a few more comments if you wish.

1450

Ms. Judith Collins: Okay. So I just wanted to reiterate what many other people have said: that the eviction process that the co-ops have is time-consuming, it's expensive, and it truly is not a level playing field for the members of housing co-ops. We often get calls at the Co-operative Housing Federation of Toronto from members looking for legal representation. We used to have a list of lawyers who we could refer members to. Most of those lawyers don't take cases. The community legal clinics don't have the money to take the cases. People are really left without a voice.

Thank you for hearing me, and I look forward to the passage of Bill 14.

The Chair (Mr. Garfield Dunlop): Thanks so much, Judith.

Ladies and gentlemen, you will hear—in a couple of minutes, the bells will start ringing to bring us back into the House. We're going to keep going right through till 3, okay?

Mr. Mauro, the Liberal caucus. Three minutes.

Mr. Bill Mauro: Ms. Collins, thank you for your presentation. I'm happy you had an opportunity to make it onto the agenda today.

I just thought I'd leave it open to you to add anything that you'd prefer to. I know you only had five minutes to give your presentation. We've had a pretty nice, broad range of presentations today, but is there anything you'd like to add? I'll give you my two to two and a half minutes here to add anything you'd like.

Ms. Judith Collins: You're putting me on the spot, here.

Mr. Bill Mauro: I'm going to put you on the spot.

You don't have to use the time. If you want to use the time—

Ms. Judith Collins: There were questions about governance earlier. Our organization is the Co-op Housing Federation of Toronto. We really encourage that the governance, the transparency, the accountability and the fairness be available to all co-op members. Some of the ways we do that is we do supply neutral chair people for difficult meetings. That's a service that co-ops don't pay for—it's included in their annual dues that they pay to belong to the organization—but that allows for a fair, transparent process in terms of difficult meetings.

As well, we would always encourage that, with a difficult meeting, whether it's an eviction or whether it's another issue that a member has and wants the membership to hear—using secret ballots, for instance. If there is a motion to overturn a board, that would always be done by a secret ballot. Some of those issues are issues where people may not feel that they can speak up, but they do have the option, and most co-ops use it, to use a secret ballot, where intimidation would not be there in the same way as if you were just asking people to raise their hands to, say, get rid of so-and-so as a director.

Those are some issues that I think I heard people talk about this afternoon.

Mr. Bill Mauro: Thank you.

The Chair (Mr. Garfield Dunlop): Thank you very much, Mr. Mauro.

Now to the PC caucus: Mr. Clark.

Mr. Steve Clark: Thank you very much for your presentation. I appreciate that you did it on short notice.

It sounds like weak governance has been a hot topic today before the committee. I'd be really interested in hearing your opinion on who you think should have a role in helping that. Should the ministry take a role, the Ministry of Housing? Should it be the federation? Who do you think should take the lead for some changes and some extra education?

Ms. Judith Collins: I think that the co-op housing sector as a whole takes responsibility in terms of ensuring that their model of co-op housing is well-run, accountable and transparent; and that any efforts to improve that can only go to strengthen co-op housing, but also strengthen the request for new units of co-op housing. So I think that that's important. It also is going back to the idea of a democratic structure and people making good

decisions about their homes, having the right information and training and able to make those good decisions.

The Chair (Mr. Garfield Dunlop): Thank you very much. We'll now go to the NDP caucus. You have three minutes.

Ms. Cindy Forster: Thank you very much for being here today. We heard from a number of presenters today with respect to wanting us to expand the scope of this bill to actually allow co-op members and others to use the Landlord and Tenant Board for the rent subsidy calculation and rent-gear-to-income calculation piece. What is your opinion of that impact on Toronto co-op members?

Ms. Judith Collins: For housing co-ops, if they're regulated with the Housing Services Act and the service manager is the city of Toronto, which is about half of our membership—not quite half; maybe 45%—there's a built-in internal review process that is required under the regulation. Co-ops have to have a policy on how they're going to do that review. We have offered our expertise to co-ops to take that on if a housing co-op would want to. An outside third-party person who, if a member requests—if they feel that it hasn't been calculated properly, somebody else can take a look at that and review it and then write a report and have that done.

Right now, in the city of Toronto for co-ops, again under the Housing Services Act, the service manager has taken the responsibility of reviewing any decisions where the subsidy is actually being terminated for any other reason than an increase in income.

Ms. Cindy Forster: Thank you very much.

The Chair (Mr. Garfield Dunlop): Anything else, Cindy? Okay.

Well, thank you very much, Judith, for your presentation this afternoon.

COMMITTEE BUSINESS

The Chair (Mr. Garfield Dunlop): That concludes our—yes, Cindy?

Ms. Cindy Forster: Yes, I have a motion I'd like to read into the record.

The Chair (Mr. Garfield Dunlop): Okay.

Ms. Cindy Forster: I move that the Clerk, in consultation with the Chair, be authorized to arrange the following with regard to Bill 50:

(1) One day of public hearings and one day of clause-by-clause consideration when the committee next meets during its regularly scheduled meeting times, upon reference of Bill 55 to the House for third reading;

(2) Advertisement on the Ontario parliamentary channel, the committee's website and the Canada NewsWire;

(3) That witnesses be scheduled on a first-come, first-served basis;

(4) Each witness will receive up to five minutes for their presentation, followed by nine minutes for questions from committee members;

(5) The deadline for written submissions is 3 p.m. on the day of public hearings;

(6) That the research officer provide a summary of the presentations by Monday morning of the following week;

(7) The deadline for filing amendments with the Clerk of the Committee be 12 noon on the day preceding clause-by-clause consideration of the bill.

This is the tip-out bill.

The Chair (Mr. Garfield Dunlop): Pardon me?

Ms. Cindy Forster: The tip-out bill.

The Chair (Mr. Garfield Dunlop): Okay. Are you asking a question, Mr. Balkissoon?

Mr. Bas Balkissoon: Yes. What is Bill 50? Give us a refresher.

Ms. Cindy Forster: The tip-out bill. Michael Prue's—

Mr. Bas Balkissoon: Oh, Michael Prue's bill.

Ms. Cindy Forster: Michael Prue's bill.

Ms. Lisa MacLeod: Chair, the official opposition is prepared to support this motion and we'd like to take the vote.

Ms. Cindy Forster: Oh, Bill 49. Sorry.

The Chair (Mr. Garfield Dunlop): Bill 49.

Ms. Cindy Forster: Bill 49, yes.

The Clerk of the Committee (Mr. Trevor Day): The motion says 50.

Ms. Cindy Forster: Bill 49, yes.

The Chair (Mr. Garfield Dunlop): We'll have to amend it to say 49.

Mr. Bas Balkissoon: Mr. Chair?

The Chair (Mr. Garfield Dunlop): Yes, go ahead.

Mr. Bas Balkissoon: Can I just ask for a 10-minute recess so I can—

The Clerk of the Committee (Mr. Trevor Day): It'll take us past—

The Chair (Mr. Garfield Dunlop): If you ask for a deferral now, we won't be able to vote on it right now.

Ms. Lisa MacLeod: Can we vote on it now?

Mr. Bas Balkissoon: I'm asking for a 10-minute recess.

Ms. Lisa MacLeod: No, we can't. We have, like, two seconds.

The Chair (Mr. Garfield Dunlop): A 10-minute recess will take us to the next meeting.

Mr. Bas Balkissoon: That's what I'm asking for.

The Clerk of the Committee (Mr. Trevor Day): Are the members ready to vote?

The Chair (Mr. Garfield Dunlop): Are the members ready to vote on what?

The Clerk of the Committee (Mr. Trevor Day): He gets the recess before the vote.

The Chair (Mr. Garfield Dunlop): Do you want the recess before the vote?

Mr. Bas Balkissoon: Yes.

The Chair (Mr. Garfield Dunlop): I'm sorry.

The Clerk of the Committee (Mr. Trevor Day): So when we come back, the first thing we're going to do is vote on this.

The Chair (Mr. Garfield Dunlop): Okay. We've got a recess. That concludes the meeting today. We will be doing Bill 14 next week.

We're adjourned.

The committee adjourned at 1459.

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Mr. Trevor Day

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Mr. Jon Bricker, research officer,
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